

CHARLES D. FERRIS

Staff Director, Senate Democratic Policy Committee

1963-1977

Oral History Interviews

Senate Historical Office

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Charles D. Ferris

Accepted on behalf of the
Senate Historical Office by:

Donald A. Ritchie

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Preface

Charles D. Ferris called his decision to join the staff of the Democratic Policy Committee in the fall of 1963, “the best decision in the world,” because it gave him the opportunity to work with Senator Mike Mansfield for almost fourteen years on some of the most significant issues of the twentieth century.

Born in Boston on April 9, 1933, Charles Ferris graduated from Boston College and Boston College Law School. He came to Washington in 1961 as a trial attorney at the Justice Department. In October 1963, Senator Mansfield anticipated a protracted debate over President John F. Kennedy’s civil rights bill and recruited Ferris for the Democratic Policy Committee staff. In 1964, Ferris became the Policy Committee’s General Counsel and Staff Director, a position he held until Senator Mansfield’s retirement in 1977. As Ferris relates in these interviews, Senator Mansfield used the Policy Committee both as a legislative scheduling device and as a sounding board.

The Policy Committee is an outgrowth of the Legislative Reorganization Act of 1946, and an active arm of the Senate Leadership. While Senate Republicans elected a Policy Committee chair separate from their floor leader, Senate Democrats in the Mansfield era combined the posts, so that the majority leader also chaired the Democratic Policy Committee. The Policy Committee served as “the eyes and ears” of the majority leader, representing him in negotiations with committees and their staff, arranging the scheduling of legislation, and keeping the legislative calendar.

Charles Ferris’ fourteen years with the Policy Committee began with the epic fight for passage of the Civil Rights Act of 1964 and extended through the rush of Great Society legislation, the divisiveness of the Vietnam War, the Watergate investigation and the resignation of President Richard Nixon. Throughout these tumultuous events, he developed profound respect for the Senate and its members, and the unique role they played in the American legislative process.

After leaving the Senate in 1977, Charles Ferris briefly served as Chief Counsel to House Speaker Thomas P. (Tip) O'Neill, before being appointed Chairman of the Federal Communications Commission. He served as FCC Chairman until 1981, when he entered private law practice. At the time of these interviews he was a partner in the Washington, D.C., offices of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

About the Interviewer: Donald A. Ritchie is Historian of the Senate. A graduate of the City College of New York, he received his Ph.D. in history from the University of Maryland. His books include *James M. Landis: Dean of the Regulators* (Harvard University Press, 1980), *Press Gallery: Congress and the Washington Correspondents* (Harvard University Press, 1991), *The Oxford Guide to the United States Government* (Oxford University Press, 2001), *Reporting from Washington: The History of the Washington Press Corps* (Oxford University Press, 2005), *Electing FDR: The New Deal Campaign of 1932* (University Press of Kansas, 2007), and *The U.S. Congress: A Very Short Introduction* (Oxford University Press, 2010). He served as president of the Oral History Association and of Oral History in the Mid-Atlantic Region (OHMAR), and received OHMAR's Forrest C. Pogue Award for distinguished contributions to the field of oral history.

Illustrations:

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Majority Leader Mike Mansfield with Minority Leader Everett M. Dirksen.

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Senators Edward M. Kennedy and Robert F. Kennedy

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Charles D. Ferris

MANSFIELD AND THE DEMOCRATIC POLICY COMMITTEE

Interview #1

Monday, April 5, 2004

RITCHIE: A week ago I was in Boston for the first time in a decade, and I was curious about where in Boston you grew up.

FERRIS: Dorchester, on the South Side of Boston. When I grew up and one was asked “Where do you come from,” you didn’t say Dorchester. You said you came from St. Mark’s or St. Ambrose. There were about eight, nine, ten parishes in Dorchester itself. Almost everyone identified with their parish. Dorchester was mostly Irish and Jewish. The Italian enclaves were in East Boston and the North End. Everybody else was sprinkled in between.

RITCHIE: What kind of a neighborhood was that?

FERRIS: It was a working-class neighborhood. My dad worked for the MTA, the transit authority that was then known as the “El.” I went to St. Mark’s parochial school run by the Notre Dame sisters. I went to Boston College High School, and then on to Boston College immediately after high school.

RITCHIE: Were you the first in your family to go to college?

FERRIS: My older brother was first. He went to Georgetown. My younger brother went to Georgetown as well. But, yes, we were the first generation of the Ferris clan to go to college.

RITCHIE: You grew up during the Depression in Boston, but your father had a job.

FERRIS: Yes, but my father lost his job in 1940. He worked, after finishing high school in the teens until that time, for a company which ran a ferry across Boston Harbor, which then connected to a narrow-gage railroad that went up the North Shore—this was before the Callahan Tunnel. That’s how people commuted then. In 1940, with the construction of the tunnel under Boston Harbor, the company went. Dad was out of work then for probably

a year, maybe a little more, before he was hired by the transit authority.

My mother had always worked during their marriage. She was a telegrapher for the Western Union. She was a key operator originally. She and my dad worked shifts. My mother would go to work at 5:00 in the morning and come back about 2:00. My dad had the 3:00-11:00 P.M. shift. They worked so hard and sacrificed so much for their kids.

That's about the extent of it. I thought life was great. It was a great childhood. I don't look back and say, "Boy, was I lucky to get out of there!" I didn't feel getting out of there was something that was a goal of my life.

RITCHIE: How did you decide on Boston College? I know you started with the high school.

FERRIS: I went to B.C. High School and then just applied to the college. Actually, I applied for the business school at Boston College. My older brother was two years ahead of me and he always made sure that I was measuring up. I applied for the business school and he said, "What are you going to a business school for? That's nonsense." So I switched to arts and sciences. I was going to be a math major. But in my junior year I switched to physics. To this day, I still think the reason I switched was because that physics was the one subject that gave my older brother a problem, and I'd get him off my back if I majored in physics. I think I've magnified that in my mind and imagination more over the years.

I went to Boston College as a "day hop." Boston College at the time was almost exclusively commuters. They had no dormitories on campus. Then in my senior year I interviewed for jobs and was hired by Sperry Gyroscope, which was in Great Neck, New York. It ultimately morphed into Sperry Rand and then Unisys, as the years went by. That was an interesting experience. I remember being interviewed and hired by a Japanese American named Kyo Tomiyasu, who was one of the most intellectually honest and fair men I ever met.

There were fifteen hundred engineers and scientists at Sperry, in Great Neck, New York, at the time. Dr. Tomiyasu put me in his section, which was doing fundamental, basic research in microwave propagation. It was 1954. I don't know how I got into that group with a bachelor's degree. There were about six other people in that section, all had Ph.D.'s

in applied physics. One had a Master's degree but intuitively was a genius in the lab. And there was me with an A.B. in physics. I thought I was there to tell them if we were at war or peace, or whether it was baseball or football season.

For my first assignment, I inherited a research project from Wes Matthews, who was a recent doctorate from Harvard in applied physics. He gave me his work book on this research project in which he had exhausted almost every alphabet known to man in the first ten pages. I couldn't understand a thing about what he was doing. So I visited with Dr. Tomiyaso and said, "Kyo, I'll resign so you don't have to fire me, but I have no idea what Wes is doing here on this project." And Kyo said, "No one else here knows what Wes is doing either. Don't worry about it. You're an investment, we don't expect you to be producing for a couple of years."

Well, I never found out whether two years would have been enough. The Korean War had not officially ended. The draft into the Army was still very active. Sperry tried to get me a deferment but they were unsuccessful. So I applied for Navy OCS and eventually reported to Newport, R.I.

Volunteering for the Navy provided me with my first interaction with politics. I applied for Navy OCS—I always wanted to be in the Navy—and was accepted in late Fall 1954. I had simultaneously applied for Coast Guard OCS. The Coast Guard accepted me, right after I had accepted and was sworn in by the Navy. But my Navy class didn't start until March of 1955. In that period of time, late '54, President Eisenhower declared that the Korean War would officially end on January 31, 1955. Anyone who got in before that would be a Korean War veteran. So I went back to the Navy and said, "Could you send me to boot camp or anything so I can get in before that date." Congressman [Olin] Teague of Texas, who was chairman of the House Veterans Committee, introduced a bill immediately upon President Eisenhower's declaration that anyone who was on active duty by January 31, 1955, would get the full G.I. Bill. I wanted to go back to school when I got out of the Navy. So I pleaded with the Navy to take me in so I could qualify. The Navy said, "No, we can't do that."

I was frustrated, so I went down to the Coast Guard—I had never responded to their OCS acceptance—and asked them. The Coast Guard said, "We'll be glad to take you in." However, I had already been sworn in by the Navy and lost the opportunity to do that. So

I wrote a letter in late December or early January to Representative John McCormack, who was my congressman. I had never met John McCormack. I wrote him a letter explaining the situation, that I thought it was unfair because people were enlisting during this window and qualifying for the G.I. Bill. Just because I went in the Navy and my class didn't start until March '55, I wouldn't get the G.I. Bill. It seemed to me that something should be done about it. I didn't hear from him. Then in late January I wrote to Senator [John F.] Kennedy and Senator [Leverett] Saltonstall. Senator Saltonstall was on the Armed Services Committee. I sent them the same letter, and I didn't hear from them either.

I believe the 31st of January was a Monday. The Wednesday before the 31st I had to get someone to at least read my letter. So I sent a telegram to all three of my elected representatives in Washington which simply and cryptically said, "Reference my letter of January 31st, cut-off date next Monday, please reply." It didn't say anything more, but someone was going to have to pull out the letter and read it. On Friday I got a call from the Navy and also from John McCormack's office to report on Monday, January 31st, to the U.S. Naval base in Newport. The Navy offered everyone who had been accepted to my class the same opportunity, and fifty-five people in that class showed up at Newport, courtesy of John McCormack. Two or three weeks later, I got a letter from John McCormack, saying, "I hope you have a good Navy career. I was delighted to be able to help you." Of course, I got letters back from Saltonstall's and Kennedy's offices, "We think you made a case and if remedial legislation comes up we'll take it into consideration"—the type of letter I had expected from all three offices.

It was a beautiful exercise of responsive government. The service that some Members of Congress provide their constituents is extraordinary. This was a great example of that. It was my first interaction with government in Washington, and it was a very positive one.

I got my commission in the Navy and was sent to a destroyer in the Pacific out of San Diego, after first going to Glenview Naval Air Station for CIC, Combat Information Air Controlling training, for three or four months prior to assignment. Then I traveled to pick up my new home, the USS Brinkley Bass (DD887). It was over in WESTPAC, so they flew me to Tokyo, connecting by train to Kobe, Japan. We flew on a propeller plane with bucket seats, but when you were young it wasn't a hardship! It was an adventure. I had never flown on a plane prior to joining the Navy.

After two years on the destroyer, I got a set of orders from Washington, BUPERS (Bureau of Naval Personnel), transferring me to the Naval Academy to teach. I hadn't put in for any change of duty, and I had just taken over as the chief engineer. My captain wrote back, "If you take Ferris, you've got to send me another chief engineer, because I don't have anyone qualified." And the Navy said, "You've got to qualify your own people on destroyers, we don't send laterals in to take on operational responsibility." So I didn't leave the ship. I don't believe I would have decided to leave the ship. It was my decision because going to the Naval Academy would have required me to extend my service obligation for an additional year. I loved being aboard the ship but it was nice to be asked. The next year I was scheduled to get out of the Navy, and damned if the same set of orders weren't sent to me if I would extend for two years to go to the Naval Academy and teach. I had decided by then to go to law school. When you're young, you are particularly brash. I wrote a letter back saying, "I will extend if you send me to Harvard to teach." They sent me back a set of orders sending me to Harvard to teach ROTC. So I was able to attend Boston College Law School at night while I taught at Harvard during the day. I was in the Navy five and half years on active duty, and that's how I got through law school.

RITCHIE: The G.I. Bill paid the way?

FERRIS: The G.I. Bill paid the way.

RITCHIE: What did you teach at Harvard?

FERRIS: I taught marine engineering in the Fall semester and celestial navigation in the Spring semester. I enjoyed teaching up there so much. The kids were so bright, so eager to learn, and you could go at a good pace with them. It was a great experience.

RITCHIE: And ROTC was much more extensive at that point, I'm sure.

FERRIS: Oh, yes, it was 1958, '59. They had ROTC scholarships then, and also non-scholarship volunteers who joined and received their commissions as well upon graduation. I taught three sections, three times a week. My students were in their junior year; there were thirty-five to forty in each section. On drill day they wore their uniforms. There was no squeamishness or embarrassment about wearing their Midshipman uniforms on campus. That sentiment didn't surface until the late '60s. It was a good experience for

them, and a good experience for me.

RITCHIE: When you went to law school, did you have any thoughts about what kind of law you wanted to practice?

FERRIS: None whatsoever. I was a romantic. Back in the '50s when you dreamt of being a lawyer, you wanted to be Atticus Finch. I wanted that experience. I had that idealism and romanticism. I had no specialty at all in mind, although I wanted to do trial work. I thought I'd like to be a trial lawyer.

In my senior year at law school, I had a fear of public speaking. I was very good in moot court, but somehow I thought that was different. Preparation for argument took all the fear out of oral presentation. I somehow equated being glib on your feet with being a good public speaker. So during my senior year, I went to Dale Carnegie to get some confidence in speaking on my feet. I could always tell a story, and they encouraged me to tell stories. They taught you how to link several stories together, how to ask yourself ten questions about the subject of your speech, answer those and that became your speech. I don't know what good it did, but at least I was making an effort to overcome something I thought was a shortcoming.

In my senior year at law school, the Justice Department interviewed me on campus for a recently started honors program. You had to be in the top ten percent of your class to apply. They picked a couple from BC each year. It was a marvelous program. I started working at Justice immediately, even though the results of the bar exam would not be out until November. I was sworn in in Boston in November and two days later I was sent to Philadelphia for a trial because one of the other attorneys in our section was sick. It was a small trial but to me it was the Scopes Trial. It was a great environment at Justice. I would have been content to make a career there. It is now obvious to me that I gave very little attention to plotting my career path.

I thought I was going to make a career in the Navy, because I loved the Navy. And then one summer when I was at Harvard, I took the midshipmen out for their six-week cruise on an aircraft carrier. A full commander was the chief engineer aboard the aircraft carrier, and his plant was the same plant I had on my destroyer. He had four screws and eight boilers. I had two screws and four boilers. Otherwise the same 600 PSI power plant. And

the junior officers on the carrier had full-time jobs which were collateral jobs aboard a destroyer. I said, "Boy oh boy, it wouldn't be nearly as exciting making a career in the Navy if I had to serve on anything but a destroyer where one was always in the middle of action." I didn't even think about what it would be like to be at a desk as a naval officer. Well, I was experiencing law school while still in the Navy, and law school liked me and I liked it, so it had the makings of a good marriage.

RITCHIE: You were in Boston during the 1960 election, did you get involved in it in any way?

FERRIS: Didn't get involved politically at all. I was never involved politically in Boston other than for state rep. Every street in Dorchester had a representative running and my next door neighbor, Bill Fitzsimmons, ran and was elected. I remember passing out literature at the polls for him when he was up for election during the '50s. But I was never involved in politics in Boston at all. Remember that when I was in law school, I was also on active duty in the Navy and political activity was not permitted.

RITCHIE: Of course, Kennedy didn't need much help in Boston in 1960.

FERRIS: That's true, he didn't need much help in Boston, but he wouldn't be coming and looking for someone like me anyway. But I followed it with tremendous interest and enthusiasm, being a Catholic. It was a breakthrough election because there was a glass ceiling for Catholics for national office, and he broke that. I think an awareness of that probably later on was a factor that explained my tremendous empathy on civil rights, a sensitivity to a class structure not based on merit that I never quite bought into or accepted.

I followed the campaign in great detail. I read the *New York Times* for political coverage every day and looked forward to the columns of Scotty Reston and Walter Lippmann. That fall was just magnificent from the standpoint of following politics on a day-to-day basis. But I was offered my job at the Justice Department in early November of 1960. It was a career job, not a political job. I started in the summer of 1961, during the Kennedy administration. Robert Kennedy was the Attorney General when I reported, but I was actually hired during the Eisenhower administration. But that didn't make any difference, the politics of the attorney general did not have any impact upon the working attorneys in the various divisions.

RITCHIE: But I would imagine there was a certain amount of excitement at the beginning of the Kennedy administration.

FERRIS: Oh, I'm telling you, it was marvelous. I remember vividly when I received the call at the law school from Bill Gillfoyle, who was the Deputy Assistant Attorney General. "Mr. Ferris, I'd like to offer you a job." I thought, this is a prankster, one of the clowns in my class, and I said, "Well, thank you very much, Mr. Gillfoyle. I'd appreciate it very much if you would send the offer to me in writing." He said, "I'll be glad to do that." [laughs] But he also said, "I'm thinking in terms of putting you in the admiralty section of the civil division."

Then the admiralty bar was a separate federal bar. In 1967 the Supreme Court merged the federal rules of civil procedure with the admiralty rules in the federal courts. The admiralty rules were primarily the set of procedural requirements to invoke the admiralty jurisdiction of the court which, if successfully invoked, provided some extra remedies. There was a mysterious myth of complexity encouraged by the Admiralty practitioners that was really sort of a hoax, it was a way of keeping the riffraff out. The substantive law was essentially the same, once you invoked the jurisdiction of the admiralty court. There were twelve attorneys in the admiralty section. About six did trial work. We had a West Coast field office and a New York field office, but from Washington we handled Norfolk, New Orleans, Baltimore, Philadelphia, Houston, Boston, Portland, Maine, and all stops in between.

I can remember traveling to Houston very early in my career for a case that I had inherited one that was traditionally assigned to the most junior attorney. It had already been passed through several junior attorneys. It was called the *Pacific Thunder*, which was the name of the ship. It involved the PL. 480 program ["Food for Peace"] where our surplus grain was shipped to poorer countries overseas who would pay the U.S. in their local currency that would not be converted or spent outside the recipient country's borders. But in this case, the grain was rotting in the hold of Pacific Thunder and the ship never sailed. Whose responsibility was it? Was it the stevedores, the shipowner, the U.S. or the grain owner? The case had been dormant for years while discovery proceeded. There must have been thirty-five lawyers involved in this case; the file a foot thick. Even though the case had been dormant for so long, a pre-trial conference was announced by the trial judge in Houston. A new judge had been assigned to the case. He must have been the junior judge in the

District as I was the junior attorney in the Admiralty section. I was just out of law school and there were twenty-five to thirty lawyers in the courtroom where the pretrial conference was held. The judge said, "What's this case about?" Someone got up and tried to say something, and someone else tried to say something, and he said, "Wait a minute. Who here represents the United States?" I got up and said, "I represent the United States, your honor." I'm telling you, that was a fantastic feeling to be able to stand up and say, "I represent the United States, your honor."

The Kennedy administration brought back nobility to public service. Washington was a proud and lively city again. To work as a civil servant was a noble pursuit. I've noticed through the years since, that politicians like to pistol whip civil servants. Justice didn't get too much of that abuse, but I remember when I subsequently went over to the FCC [Federal Communications Commission], what a great disservice was paid to civil servants. They work their tails off, they don't get overtime, and they always get pistol whipped by the people in the Congress. They don't deserve it. I have a very high regard for civil servants.

RITCHIE: Did you do admiralty law the whole time you were in the Justice Department?

FERRIS: The whole time I was there, for two and a half years. Ken Teasdale came into the Honors Program at Justice the same year I did. He was in the antitrust division, but his office was just down the corridor. We didn't have sufficient contact to become fast friends but we had a good rapport. After six months, he went up to the Senate Democratic Policy Committee and over the next couple of years we socialized on a few occasions. A couple of times he notified me about jobs in Senators' offices that he wanted me to consider. I had no interest in leaving Justice and no burning desire to move to Capitol Hill. But he kept telling me about his job with the Policy Committee, "I was talking to Walter Heller this morning, and then I was over...." He was talking to cabinet officers in the afternoon, different subject matters. I thought, "Boy, oh boy, that's the job that I'd be willing to entertain leaving the Justice Department for." It was like life aboard a destroyer in the Navy; more problems than could be solved but no possibility of ever being bored.

Then in October of 1963, the Bobby Baker scandal surfaced publicly and Baker left his position as Senate Majority Secretary and Harry McPherson left the Policy Committee to become Assistant Secretary of Defense at the Pentagon. There was an opening on the

Policy Committee staff. Ken called me and said, “Would you come up and talk to [Mike] Mansfield about this job?” I said absolutely. So I had to quickly get a resume together. This was on a Wednesday or Thursday and I was scheduled to see Senator Mansfield on Monday at 11:00 o’clock. It’s sort of interesting, I had no real understanding of what the job was about. I didn’t know whether I had any talents for it, and I wasn’t unhappy where I was. I didn’t know Senator Mansfield and didn’t know what to expect. This was the first time I met the man. It was just the two of us in his back office. For twenty-five minutes he gave me a vigorous third degree. I thought this might have been just his personality, but he obviously was probing for something.

Then he said, “All right, Charlie, when will you start?” I thought, whew, we covered some light years in there that I missed! I told him that I had a couple of small trials over the next month so I needed to give about six weeks notice. He said, “No, you are going to start next Monday. And I’ll call Kennedy and tell him.” I said, “Senator, Robert Kennedy doesn’t know I exist. If you think it’s necessary, I’ll tell my people down there that you think it’s necessary and therefore I’ll leave.” That was it. In the interview he talked about how the House had passed the civil rights bill and it was coming over to the Senate where the Judiciary Committee had been the black hole of civil rights legislation, and he was trying to figure out how to handle it. It was too big an issue nationally to let Jim Eastland just consume it as he had other bills over the decades. He was concerned about that, but I had no idea how I could be of any value to him on that. I just told him, “If you want me, I’ll do my best. I don’t know anything about the nature of the problem or whether I can be of any help, but I’ll do my best. I’ll give you my best shot.” So that was it.

When we got into the civil rights bill in 1964, for some reason Hubert Humphrey, then the Majority Whip, took a liking to me. It must have been a personality fit, but Hubert always wanted to include me in sessions that he had on strategy on the civil rights bill. Of course, that was just such a privilege. Hubert Humphrey was one of the great human beings in the world. My ex-wife and I once went over to his house on a Sunday afternoon in early 1964 and he cooked hamburgers out on the grill. There were no more than eight, ten people there, and my ex-wife, who was not at all interested in politics, came away from that and said, “If that man could have personal contact with the people in this country, no one could vote against him.” He just had that enthusiasm of life and ideas. So to my great good fortune we had a very good relationship from the beginning.

The Majority Leader's staff was an interesting mix. Stan Kimmitt had been the Army liaison officer to the Senate. When he retired from the Army he came onto Mansfield's staff. Frank Valeo, who had been a researcher at the Library of Congress, was detailed to the Foreign Relations Committee staff in 1957, working primarily for Mansfield, and then went on Mansfield's staff when he became Majority Leader, and was elected Secretary for the Majority in '63, when Bobby Baker resigned. When [Felton] "Skeeter" Johnston retired, Frank became Secretary of the Senate and Stan took the Secretary for the Majority's job. It was an interesting sorting out of activities the way Mansfield worked it. He had a perspective that was magnificent. He knew where he was going and what he was doing.

Stan Kimmitt is a very capable guy and had tremendous communication with the Democrats (especially the Democratic conservatives). I was more the liberal on the leader's staff. I became visible on the civil rights legislation and, because of the Hubert Humphrey working relationship, was perceived as the link to the liberal wing of the Senate. Other liberals had no discomfort with Stan, and Stan used to make sure that I was stamped as the "super liberal," and all that sort of stuff. We were competitors, but we're dear friends today. But when you're young and energetic it matters. And Frank Valeo obviously was very able as a foreign policy analyst and a speech writer, extraordinarily able, and he had been interested in history. He certainly hit a resonance with Mansfield from the standpoint of being able to understand where Mansfield wanted to go and be able to articulate it very well. But Frank really had no capacity at all to communicate with the Senators or to read the Senate as a body. The Senate had a life and a rhythm that was complex and fascinating. The logrolling and back scratching prevented the back stabbing that would have made the institution dysfunctional. It was a Shakespearean play without end. To be able to observe it from within was a privilege that would alone make one's life worthwhile.

Frank Valeo read Mansfield, and read him well, but had no similar capacity to communicate with the others or to read the Senate as a vibrant pool of egos. He really was not a good man for the Secretary for the Majority's job. Stan Kimmitt, who succeeded Frank when Frank moved up to Secretary of the Senate in 1966, had the requisite skills to perform that job well, which he did while in that position until 1977. The Secretary of the Senate is more ceremonial and administrative, and you can survive with a politically tin ear, unlike the Secretary for the Majority and the Staff Director of the Senate Policy Committee where it was critical that the capacity to accurately read where the Senate is going and make sure you are out in front of them. Stan was good at that job. He understood the Senate as a vibrant

and ever changing body for the making of national policy. Stan and I had the imbedded political instincts to be able to perceive the subtle changes as they occurred, to read their meaning and to provide advice to the Majority Leader that would keep him ahead of the wave.

I didn't know Ted Kennedy or Bob Kennedy before I went to the Senate. I met Bob Kennedy during the '64 civil rights bill when as Attorney General he came up occasionally to [Everett] Dirksen's back office and with the Senate leaders put their imprimatur on the staff's work product. But I never really got to know him until after his election to the Senate. I suspect that Burke Marshall, with whom I worked very closely on drafting the 1964 civil rights bill, and who was very close personally and professionally to Bob Kennedy, told him that I could be trusted and relied upon. It might have been that Bob didn't think I talked funny, being from Massachusetts. We had this nice, easy relationship. I always considered it part of my job for Mansfield to establish trusting, working relationships with Senators on both sides of the aisle.

During the fourteen years I worked for Mansfield I don't think I saw him three times sit in the cloakroom with the other Senators, listening to the chatter and the buzz. He didn't like gossip. He used to have breakfast each morning with George Aiken, and Aiken was a big vacuum cleaner for gossip, although not a gossip himself. Mansfield used to get his fill of what was going on from George Aiken at breakfast. But the Aiken-Mansfield relationship was one that was not based upon quid pro quo. Aiken didn't require a return flow of gossip. If he had, the breakfast meetings would have broken off early. Aiken and Mansfield were two small-state unflashy politicians who enjoyed each other's company. Sometimes awareness of those personal things has an impact on who can make a deal with whom, or what's holding up a deal with whom. So they can be very important.

I think Stan and I together had the Senate covered very well. Now, I'm leaving Ken out of this. Ken I think was a lot more conservative than I was and his personality probably wasn't as outgoing. I think that Ken probably was hurt that Hubert Humphrey took a liking to me when I was number two. I didn't control that relationship with Humphrey. I suspect but don't know that Ken was unhappy with my relationship with Humphrey. But Ken left at the end of the session in October 1964. I never had a communication with Ken to find out really how he felt, although in March 1965, Senator Mansfield told me he received a letter from Ken volunteering to come back during the preparation of the Voting Rights Act.

Senator Mansfield asked if I would object to that. I told him that I would because it would undermine the perception of the leader's confidence in me with the duties of the first chair. He said okay, he would tell him no.

RITCHIE: You prefaced this by saying that this was just when Bobby Baker had left in the Baker scandal. Senator Mansfield, during his first couple of years as leader had relied on Baker and the structure that Lyndon Johnson had left, and it had embarrassed him badly by the fall of 1963. I get the sense that he was trying to put together a working team of people to be his team rather than Johnson's.

FERRIS: Oh, yes, I think that's right. He inherited from Johnson, like Johnson inherited from President Kennedy a staff that got Johnson into a lot of trouble. You know, [McGeorge] Bundy, [Walt] Rostow, [Robert] McNamara, were all very bright, but Kennedy would have been able to say no to them. Johnson didn't have the self-confidence to be able to do that. Mansfield, who didn't thirst for the job as Majority Leader—it was thrust upon him—he also inherited the infrastructure, and it did embarrass him. There's no doubt he had a grand scheme. Bobby Baker was a big fund raiser and collector of campaign cash, and he was also deeply involved in the legislative process. One hand fed the other. Mansfield wanted to separate that completely. I didn't realize at the time what he was doing, but in retrospect I see exactly what he was doing. The policy was all down in my shop. The politics would be in Stan's shop. Stan came to Policy Committee meetings but was never active in policy. I used to have to give the presentations on the legislation. And I never got involved with the Campaign Committee, even in the internal politics of the Senate, which were really manifested mostly in the Steering Committee and the assignments of Senators to committees, where there is an awful lot of internal politics going on. Stan had those responsibilities.

Mansfield sorted it out rather nicely. He knew where he wanted to go. It took him a little time to get there. But he got where he wanted to be.

RITCHIE: And after Bobby Baker was gone, there was never a scandal again while Mansfield was there?

FERRIS: Never a scandal, no. He was a magnificent human being. I always say that when you're young you really don't know how to size up situations. You have energy

but you don't have much wisdom yet. You don't realize that when you go to work for a Senator how little you know. "I'm going to do this, I'm going to do that for him," but the flow of knowledge is from the principal to you. You think you're providing something of value for him, but you're actually absorbing from your principal his values. If you had more wisdom and less enthusiasm, you would try to learn the inside of your principal. You do eventually learn your principal's instincts and values if you are a good staff person. It permits you to make the decisions when he's absent because you know what decision he would make, and those might not be the ones that you would make if you had not been educated by his values. You naturally try and analyze exactly what drives him, and what are the policy premises that drive him. That makes you a better staff person. Being a staff person, people say, "Well, you cannot establish your own identity." But what you do is so much more important than your ego. You've got to suppress your own ego for what you're working on. The member is the one who has to go out and get reelected. I remember Mansfield coming around in September before his election and saying, "You've got the best job. You don't have to go and campaign." [laughs] He had to go back and campaign! You can just take some time off.

We in the leadership staff never got involved in his campaigns. He separated his Montana office from his leadership office. Stan came from Montana, but I don't think he got involved in his campaigns. And Frank didn't get involved in his campaigns. But the people in his Montana office, led by Peggy DeMichele, did. But he had scoped out where each party belonged and he held to it.

RITCHIE: He had also come in for a lot of fire from the Democratic Senators in the fall of '63 because they didn't think he was being an active enough leader. They were getting nostalgic for Lyndon Johnson. Tom Dodd and a few others really assailed him on the floor.

FERRIS: I was down on the floor when Senator Dodd gave his speech.

RITCHIE: Did you get the sense that he was trying to make a more effective leadership at that point?

FERRIS: I think Mansfield was trying to redefine the leadership. The leadership that he inherited was a leadership that consulted with the large barons in the Senate, whether it was the [Robert] Kerrs or the [Richard] Russells, but Mansfield had this egalitarian sense

about the Senate. Maybe coming from a small state he was sensitive to that. In his mind there were no Senators with special preferences and prerogatives; all were the same; all had a contribution to make. I think that drove him.

I remember the Dodd incident. It occurred in the early evening, after the then customary Scotch cocktail hour. Senator Dodd made an impassioned plea to be led, “tell me what to do.” Mansfield didn’t think that that was the job of a Senator, to be led. Every Senator was encouraged to make every input. They should be listening to each other. But they were not used to that under Lyndon. It was really a magnificent transition that Mansfield performed during his tenure. Whether you would call it logrolling or back scratching, the members used to talk to each other. They used to respect each other in certain areas because they felt a particular Senator spent a lot of time in his committee studying this subject matter and when his judgment had been proven to be good, and when there was that coincidence of judgment, a Senator would be comfortable with you. There were hundreds of different relationships, depending upon the issues, the Senators, and the parochial interests, all sorted out. It was an endless and continuing process to find out which Senators followed which colleagues on every set of issues. When members came onto the floor, you had only a few seconds to communicate quickly what the issue was and how the leadership was voting, but it was very effective to convey to each Senator how a colleague that you knew he traditionally followed on these issues was voting. That would give him additional comfort. It was not just that the Majority Leader wanted you to vote this way. Each Senator had to exercise or at least was invited to exercise his or her own judgment. It was different.

But in the early ‘60s there was frustration because the legislative achievements were not big. You had the Nuclear Test Ban Treaty, that probably was the most significant accomplishment. Then you had the civil rights bill coming, but it wasn’t yet there. The Tom Dodd incident was a reflection of the lack of legislative activity but it was also a sense that a larger change was developing in the functioning of the Senate.

RITCHIE: Senator Mansfield was going to give a speech about leadership, but it was the day Kennedy was assassinated.

FERRIS: It was a response to Dodd, although he didn’t mention Dodd.

RITCHIE: That was the first month you were up there.

FERRIS: That's right, but I saw Dodd make his remarks on the floor. I came in October of '63 and the assassination was in November, so it was during that window. But Mansfield did not have an ego that needed to be fed. He had tremendous pride and had a real sense of values but he had no vanity. I really think he felt, "You could have this job of Majority Leader, and I will not feel as if you have taken away my personality by taking away my title." Not everyone up there had that same sense of self worth. But after the assassination of JFK, with Lyndon Johnson in the White House, LBJ's strength having been the Congress, and having inherited a preformed agenda, the two forces converged. Even with the surge of legislation that resulted, I think that Mansfield was true to the premise of egalitarianism, in the sense that he never took credit for any of the Senate's accomplishments. He always put other Senators in the forefront. He would give credit to them. He always gave credit to someone else, who justly deserved credit, but he didn't try to share in any of it. In the long term, I think that helps. Members like it. No one likes a skimmer, and Mansfield wasn't a skimmer.

RITCHIE: Could you tell me about the Democratic Policy Committee itself? What was the Policy Committee? Did it actually meet as a committee?

FERRIS: It met as a committee. It met at lunchtime, at the call of the chairman, usually every two weeks. The agenda was not a published agenda. Mansfield always wanted to clear the calendar. Lyndon Johnson used to keep things on the calendar because it was some Senator's special bill and he'd make that Senator come up and ask if he could get it scheduled, so it was a "you owe me" thing. Mansfield wanted to get things through. Clear it off. If you leave it there it collects flies. He felt if it comes out of the committee, it should be brought up on the floor for disposition.

The first thing we did was to review the calendar. I'd go down and give a review of each bill's content, to see if the members of the Policy Committee had any input. Most of the bills were non-controversial bills, like swapping a piece of government property for another piece of government property, but on the significant pieces of public policy legislation there would be a good discussion. The members of the Policy Committee would have views, pro and con. Mansfield made the membership of the Policy Committee very representative of the Senate. It was a good sounding board. You had a geographic and

ideological spectrum represented on the Policy Committee, so the discussion behind closed doors was something that would give Mansfield great intelligence from the standpoint of what he should expect when he got out on the Senate floor. That took the place in part of some of the gossip that he didn't pick up.

The meetings were all behind closed doors. There were no press conferences after the meetings. And there was never a leak from Policy Committee deliberations. That was very important because the members of the Policy Committee felt safe in what they said. It was not going to come back and bite them in the tail. Therefore you got very honest evaluations from members who politically couldn't say some of the things they were able to say in the Policy Committee because there would be political repercussions back in their states. So that made the meetings worthwhile. Senators on the Policy Committee who were in town came to the Policy Committee meetings. It was given priority. They were there, and that would not be the case unless they felt it was worth being there. That's in capsule what the structure was like.

RITCHIE: Were they in a sense an advisory committee to the leader?

FERRIS: Well, yes, it provided valuable input to the leader's thinking. It is interesting how much power the Democrats gave their leader. The Democrats historically had always concentrated the leadership in one person. The floor leader was the chairman of the Conference, the chairman of the Policy Committee, the chairman of the Steering Committee. The Republicans fractured their leadership. They gave more people a source of patronage, but Senator Dirksen as floor leader did not have the benefit, as did Mansfield, of using his Policy Committee and his Conference as a sounding board or a vehicle to communicate with the Republican members.

I remember Ed Beach, the staff director of the Republican Policy Committee. He was a marvelous guy, who had been a nuclear submarine captain—I probably had an affinity for him because he was a Navy man—but he was not in the flow of legislative policy among Senate Republicans.

Senator Bourke Hickenlooper chaired the Policy Committee rather than Everett Dirksen. Dirksen had to gather the sense of his group in a very different way. The responsibilities of their leadership positions were separate and not interrelated. They had

Conference luncheons, chaired again by a third Republican Senator, independent as well; and probably the discussion there gave Dirksen a sense.

RITCHIE: Of course, Senator Dirksen only had thirty-five members to deal with, and you had sixty-five.

FERRIS: Yes, and you've got greater discipline when you're in the minority. Well, you can look now. The Democrats in the Senate today have much greater discipline than we ever had. You have a sense of responsibility to govern when you're in a majority. It's much easier to be cohesive and take a shot at what the majority is doing when you're in the minority. It's a different dynamic, I think. I never experienced the minority side, but I just can assume what it was like.

RITCHIE: You had a big majority, but it was an ideologically divided majority.

FERRIS: Yes, and everything then was done on a bipartisan basis. I don't remember one thing in my fourteen years that was ever passed on a strictly partisan basis. Never. It was always bipartisan. In the Class of '66 you had Chuck Percy and Ed Brooke. [Charles] Mac Mathias, Bob Dole, Mark Hatfield, etc., I think came in with that class. The center of gravity of the Democratic Party was more liberal than the Republican Party, but they both had this full ideological spectrum in each party. That made for better communications across the aisle, and that's so much healthier.

RITCHIE: Today every vote in the Congressional Record begins [Daniel] Akaka or [Lamar] Alexander, and you know most of the names that will follow because the party's vote together almost all the time.

FERRIS: That's sad, because it's ideology driving the conclusions. I've always said that ideology is the lazy man's way to replace thinking. You have a set of conclusions. Okay, these are my conclusions, what's your question? I don't think that's really the way it should be.

RITCHIE: Was Senator Mansfield using the Policy Committee to forge consensus, to try to get the sides of the party together on an issue?

FERRIS: Well, certainly on Vietnam he did something like that, because a delegation went down to the White House, I think it was in '67, with a unanimous Policy Committee recommendation on Vietnam. That had Dick Russell and Bill Fulbright on the committee at the same time, and both of them agreed on it. Generally, however, I think he used it much more as a sounding board because I don't think he personally was trying to be the capstone on competing sides of legislation. Dirksen always was the capstone, and Mansfield always encouraged him to be the capstone, because he always felt, certainly on civil rights, that you needed Dirksen to bring his Republican cohorts with him on cloture. I think the great legislators are the people who put capstones on other Senators' competing positions. You go back and look; and I don't think you'll find too many bills that Wilbur Mills ever introduced into his [House Ways and Means] committee. Other people used to introduce competing proposals, and they'd have hearings, and then he would put a capstone on it and it would come out of his committee. Now everyone is rushing to get their name on a bill. It seems more important to say it is my bill than to discuss the virtue of the legislation. It's bypassing the legislative process if the bill is written before it is introduced and compromises are made to get people to join in its introduction but then the hearings and the markups are perfunctory. So it's a totally different dynamic now, and I don't think a healthier one.

RITCHIE: Mansfield presumably chaired these lunches.

FERRIS: Yes.

RITCHIE: Was it open free-for-all or was there some structure?

FERRIS: He usually had some opening remarks that would start the discussion, but he didn't pass out an agenda beforehand. At some point, usually as the meeting began, the discussions were much more like a conversation at dinner than a committee in session. There was tremendous respect for Mansfield. No one on that committee ever tried to overshadow him or undercut him. He had what is the most important ingredient of leadership, he had the trust of the people he led, the *absolute* trust of the people he led. No one wanted to abuse that or affect their relationship with him on that basis. So he could encourage a free flow in the discussion and people would still listen to him. No one would try to dominate or try to prevail one way or the other. If they did, he thought fine that's just because they felt strongly about an issue, that's great, that's how it's supposed to be. I never

saw him upset by any of the discussions that took place in the Policy Committee. I don't recall any real angry moments in the Policy Committee. You're sitting over lunch and it's not for public consumption so you don't have to posture.

RITCHIE: Would you invite other Senators in for these lunches or was it just the members of the Policy Committee?

FERRIS: Just the members of the Policy Committee. At times, but infrequently, outsiders would be invited. Averill Harriman came back and spoke when he was over in Paris for the Vietnam peace overtures. During the Nixon administration [Henry] Kissinger came up and spoke on the Vietnam negotiations. Charlie Schultze, who was OMB [Office of Management and Budget] used to come up each year and give an overview. Charlie was a great communicator. He was a teacher and he could really put things in the common man's language. But I don't recall anything notable from the standpoint of other Senators coming in. He used the caucus for that. Sometimes he would go to a Policy meeting and talk about something and then he'd have a caucus and talk to all the members about it. That was the virtue of having a centralized leadership.

RITCHIE: They wouldn't vote in the Policy Committee, would they?

FERRIS: No, it was all by consensus. If anyone said, "I've got a problem with that piece of legislation we're dealing with," that's it. That legislation would go through a further period of gestation. That problem would be noted. We used to keep the daily calendar with the holds on it, and we wouldn't publicize names associated with the holds. It was amorphous in the sense that we would share it with Dirksen's floor assistant [Oliver] Dompierre. He would give me his calendar, what bills his Senators had problems with, and then I'd give him where ours were. They wouldn't publicize ours, we wouldn't publicize their's. But if things started getting heavy and hot, and pressure started to build on a piece of legislation, the system would bend. A hold wasn't forever. It was a testing of intensity. Someone wanted more time to get ready for a bill. But if someone said, "You've got to at least confront the issues," you'd have to tell the other Senator "It's not open ended, you're going to have to get ready by" some date. I thought it worked very well because it was non-public and it was really for the management of the agenda on the Senate floor by the two leaders. It was that process that really determined what the schedule of legislation was going to be over a period of weeks.

RITCHIE: How would you define the job of the staff of the Policy Committee? What kinds of responsibilities in general were you assigned?

FERRIS: The Policy Committee staff was very limited. Pauline Moore was the chief clerk of the Policy Committee. She was from Illinois. I think she came with Scott Lucas back in the '40s and was there through Lyndon Johnson. Lyndon Johnson really liked her very much. He would call her about the status of legislation after he went to the White House. Pauline never participated in any of the floor activities. She started to compile under Lyndon Johnson the status of every piece of legislation that was on the president's agenda, whether it was mentioned in his annual State of the Economy, the annual budget or the State of the Union, etc.; each phrase would be associated with a piece of legislation and Pauline kept that record each Congress. She used to update it every week. She'd call the appropriate staff person on every committee and get this update. It was a big weekly undertaking.

I think Lyndon Johnson used that information as president as well as when he was Majority Leader, much more than Mansfield ever did. It was a way of keeping abreast of where everything was, and that was very helpful to us. She would say, "Gee, I just spoke to Stewart McClure on Public Works and this is the problem they have there," so it was good intelligence. Keeping it up was very good, even though I don't think Mansfield personally used the print-out of it. Lyndon Johnson, who had a tendency to micromanage when in the Senate, continued to do so in the White House. He got a copy every week—it was sent down to his legislative people. The Policy Committee, through Pauline, was the legislative memory of the Senate.

Then Ken and I constituted the remaining professional staff, and when Ken left I brought in Dick Streeter, who was then a trial lawyer at the Justice Department. Then Dick went back to Cleveland to private practice after a year or two; then Dan Leach, who was a trial lawyer at the Justice Department with me, who left Justice to go into private practice back in Detroit, but he returned to take a job on the Policy Committee staff. Late in the '60s or early '70s, Dick Russell asked Mansfield if he could have someone on the staff. Mansfield said "Certainly," and Mack Ferguson from Georgia came on board for a couple of years. I think after 6-7 years of Civil Rights and other Great Society legislation, Senator Russell probably perceived that we were too efficient facilitating the liberal agenda—at least I hope that was his reasoning.

We used to rotate on the floor. One of us was on the floor at all times when the Senate was in session. The leader couldn't always be on the Senate floor, so we were his representatives on the floor, there to protect his interests and to convey to Senators what had been or would be going on for the remainder of the day. The staffs of the various committees would also rely upon us to give them a sense of when their legislation might be ripe for consideration.

RITCHIE: So you didn't do reports on policy or background papers for the Senators?

FERRIS: No we didn't. We did very little written material. Writing gets you in a lot of trouble. I remember preparing memos for Mansfield, whether about a tactical thing on civil rights or some other issue. I'd be writing it for Everett Dirksen, because as soon as I'd give it to Mansfield, Mansfield would go around and show it to Dirksen. He'd say, "Now, Everett, what do you think about this?" So you'd have to write it so it could be shown to the other side. That's fine, you knew that was his predisposition. His disposition was not to hide things from anyone but to be open. And he had a very good working relation with Everett Dirksen. They were very close. They trusted each other, and they never undercut each other. It was nice to see. All it changed was the language and the tenor of the written memo.

Mansfield's relationships with Howard Baker and Hugh Scott were the same, but Scott had a little edge. I always thought that something happened to a Senator when they became Chairman of their party. Scott was Chairman of the Republican Party at one time. Henry Jackson was Chairman of the Democratic Party. Bob Dole was Chairman of the Republican Party. There's a little streak that gets into them, when they have that party chairman responsibility, you have to be quick and cutting to get listened to because no one pays attention to the chairman of the party for too long, so you have to make your point quick and make it tart. There was a little of that in Hugh Scott, generally. But I think Hugh Scott and Mansfield also had a good relationship. They went to China together. Mansfield had good relations with all the Republican leaders he served with.

The usual day in the Senate would start on the Senate floor at noon. Earlier in the morning, we'd go up and have a cup of coffee with the leader. No agendas. We'd just sit and talk about what was in the newspaper. It was marvelous. Mansfield used to come in

every Saturday, even though the Senate was hardly in session any weekend. Of course, we came in on Saturday because he came in on Saturday. On Saturdays a tradition started that any press that wanted to talk to the leader could come in midmorning and have a cup of coffee with him. It was always Walter Mears and Steve Gerstel, one AP, one UPI, and maybe a couple of others, but most reporters weren't there on Saturday. It wasn't like the press conference in the well of the Senate before each session. It was just sort of a conversation back and forth. He was very good at that. He was very at ease in that environment. He never tried to hide or conceal things in any forum, and therefore he could be very comfortable. If you tell the truth you never have to worry about what you said.

RITCHIE: You said that someone from the Policy Committee was on the floor all the time, but you also had Stan Kimmitt there as the Majority Secretary. What was the relationship between the Policy Committee and the Majority Secretary when you were on the floor?

FERRIS: We were on the floor all the time. We were sort of the parliamentarians for the Majority Leader. We learned parliamentary procedure. That was something that few Senators knew. It was an impossible task to try and get your arms around it, but once you did, there was a rationality and rhythm to it all. It was a framework. There were checks and balances within it that worked, and fit, and made sense. So we were there all the time because parliamentary shenanigans would happen in the still of the night. Stan was on the floor much more than Frank ever was, but Stan was more comfortable with the Senators and more aware of the rhythms of the Senate. But he could come and go as he pleased. We had to be there because people could make motions and make parliamentary moves. Stan could be in the cloakroom chatting, and sometimes we were in the cloakroom chatting, since there was more than one of us.

Those chats were very important, because that was intelligence gathering. You pick up more with little chats about what is necessary, and what's going to happen, or why someone is going to take certain action. Mansfield didn't participate in that. He knew that it was valuable and that we were doing it, that we had communications with the members on that basis, because we'd tell him what was going on. We overlapped. Stan had much closer ties generally to the Southern Democrats and I did to the Northern liberals, although there was a great overlap with each of us. Lister Hill, Bill Fulbright, and John Sparkman were a few from the South with whom I had most enjoyable and fruitful relationships. But you

usually gravitate to where your comfort is, and Stan was a military officer and had the characteristics and discipline, and the need of order that the military have an affinity for, and I was wild and undisciplined [laughs], so I fit the other side. I think it worked very, very well.

RITCHIE: Did you do any head counting to try to predict what the votes were going to be?

FERRIS: Yes, certainly.

RITCHIE: How did that work?

FERRIS: Well, we did our own head counting. Stan would do his head counting. I'd be collecting it from several Senators who would be doing their own head counting. It wasn't just my intelligence, it was their intelligence. I'm sure Stan was doing the same thing. Stan was much more of a good soldier in the sense that he wouldn't do a head count unless the leader asked him to do it. And Mansfield didn't like the perception of twisting someone's arm by asking them how they were voting. I did it informally. I wasn't getting a head count for the leader, I was just trying to find out what needed to be done to reach final passage. I never would tell someone, "I'm doing a head count. How are you going to vote?" I'd get it indirectly. It worked.

RITCHIE: I interviewed Bill Hildenbrand [Republican Secretary] and he said that the one thing he learned about head counting was that you could never take anyone's vote for granted.

FERRIS: That's what Tip O'Neill used to say. The first time he ran for reelection in Massachusetts, he asked his next door neighbor, "Did you vote for me, Mrs. O'Malley?" She said, "Tip, you didn't ask." So you always have to ask. Don't assume anything about anyone. That's a good lesson in life, really.

RITCHIE: You mentioned also that you were specializing in parliamentary procedures. Did you work closely with the parliamentarian as a result.

FERRIS: Yes, we did work closely with the parliamentarian. But the first year, from '63 through the civil rights bills of '64 and '65, that's when we were struggling with it. Things like Rule 14, Paragraph 4 was the idea of putting things directly on the calendar after the second reading. Charlie Watkins, the parliamentarian, was one of the most incredible human beings I ever met. Charlie Watkins started out as the journal clerk in 1912. There was no parliamentarian in the Senate except for the presiding officer. But they were always looking for help and Charlie kept the journals and had an accumulation of knowledge on what had been done, and would advise them. Finally they moved him over and made him the Senate parliamentarian. He was eighty-three or eighty-four years old when I first met him, and his mind was as good as anyone's thirty years younger.

I remember going over to him one time with a harebrained scheme—you always came up with harebrained schemes when you didn't know what you were doing. We'd go over there in the morning and just walk in. "Charlie, you got a moment?" "Sure, sure." "What about doing this?" Charlie would say, "That's never been done before, but let's see if we can do it." I said to myself, "God, if I can only have an open mind like that when I'm fifty, let alone when I'm eighty-four, that I can always learn something new." What a marvelous state of mind and sense of self-worth and confidence that he had in his own job. He was saying: There might be something I haven't thought about before, I might learn something new. It turned out he never did learn anything new from me, but he was a marvelous human being and I learned so much more from him than parliamentary procedure. I was sorry to see him retire.

Floyd [Riddick] learned to master the rules, but with Charlie it was in his blood. Floyd mastered what had been done before him. But it seemed the rules and Charlie started simultaneously. Charlie was so unlike Lew Dreschler on the House side, who was a dictator. Nothing was written down. It was just what Dreschler said. Charlie wrote down the precedents over the years and put out this manual of procedures. Floyd was always very helpful, but it is very difficult to succeed a legend. Just the personality of Charlie, he was a great lesson in life.

RITCHIE: The rules of the Senate do seem so arcane when you first encounter them, and it's amazing to find that they actually do work, once you begin to understand them!

FERRIS: Absolutely. In getting into them, where do you start? They seem to have no beginning and no end. How do you start working on these rules? But the presumption of who has the right of recognition, and the order of motions, it all has a fairness to it in the scheme of things. It takes you about six months of total immersion and you don't know where you are, and finally you surface and say, "Whew, hey! This has a pattern and a rhythm to it." There were a few members of the Senate who knew the rules. Dick Russell was the great parliamentarian. Jim Allen of Alabama was a great parliamentarian. He had been lieutenant governor of Alabama and presided over their Senate. It was like the old pre-Charlie Watkins days, he had to be the parliamentarian and he learned the rules. He was a very smart guy, Jim Allen. Then when Bob Byrd came in as Whip, he learned the rules. He immersed himself in the rules and became well versed in them. But there weren't too many others, because it took an awful lot of effort to get your arms around it. Bob Byrd had the intensity to do that. Dick Russell had the experience to do it. He was like an elected Charlie Watkins. And Jim Allen had it by his experience down in Alabama.

For the leadership, it all comes down to one trump card. The rules provide that the first Senator to seek recognition gets recognition. But when two Senators seek recognition and one of them is the Leader, the tradition of the Senate specified that the Leader gets recognition. Nothing was explicitly stated in the Senate rules about the Leader's priority of recognition. That little edge is like 00 in the roulette wheel: the house gets the edge with that priority of recognition. Because you have the right to commence the process of motions. Jim Allen used to use the rules, and he knew them well, and he knew that we knew them well. And he knew when we had him checkmated. He'd smile, he respected that. But it was like having a good adversary. I liked Jim Allen. Did you get to know him?

RITCHIE: I just overlapped with him very briefly. He died a year or two after I got there.

FERRIS: I used to love to go to speak at colleges. A friend of mine from the Navy, who was dean at one of the schools at Auburn, used to invite me down to talk to classes. On one visit, at the faculty dinner the night before a Saturday football game, the president asked if I would like to be their guest at the next day's game against Alabama. He said, "We're playing Alabama tomorrow in football, have you ever been to a Southeast Conference football game?" I said, "I've been to football games in the Northeast." He said, "it's very different down here." So I agreed to stay over. The game started at noon, but we got there

at 11:00 A.M. and the whole stadium was filled. They were practicing their cheers! The Winnebagoes were all over the campus. People used to come in Friday night for the Saturday games. This was a real social event.

The wife of the president of the university came up to me at the dinner the evening before and said, "Mr. Ferris, you're going to be sitting next to Senator Allen. I've had great difficulties with him at dinner parties because he's very hard to have a conversation with." I thanked her very much for her thoughtfulness and concern. Senator Allen and I were sitting about five removed from the president and his wife. This was back when Louise Day Hicks was stirring up problems with school desegregation in Boston. Jim Allen and I were sitting together, and there was a place where some African Americans had assembled in one corner of the stadium and he pointed to them and said, "You see, Charlie, how we handle our race problems down here? Now you guys in Boston have to do better." And we're going back and forth with our banter, and I saw the president's wife looking down perplexed at this animated conversation between this Boston Irishman with this immutable Southern Senator. I left at halftime to catch my plane from Augusta, and I never spoke to her again, but she probably never knew why I struck such a resonant cord with Jim Allen. But we had a good relationship up in the Senate and I liked the man. His views on race never openly surfaced in the Senate to my recollection, but he was elected under George Wallace and that limits your flexibility. It's survivability. But I thought he was very smart and I liked him. And I never detected any malice in his heart.

The Senate used to adjourn in those days around the beginning of October. The head of the Senate dining room in the Capitol came to my office in the early fall and said, "Charlie, you know all the waitresses and staff in all the Senate dining rooms get laid off until January when the next Congress convenes." I said, "You're kidding me. Let me see what I can do about that." Almost all employed in the dining rooms were African Americans. I went up to see Mansfield, who was unaware of this practice. "We can't lay these people off, they're right at the edge of economic survival when they are employed." Jim Allen was chairman of the Administration Subcommittee of the Rules Committee. Mansfield said, "Go talk to Jim Allen and see if he can do something about that." So I went to Jim Allen and said, "Senator, the leader wanted me to talk to you about this. These people are going to be laid off when we adjourn sine die, and be without pay for three months. Can't we do something about that?" He said, "Well, if the leader wants to do something about that, we'll do something about that. We'll keep them on and find other tasks for them

to undertake during the recess period.” There was no push back. He went to the phone in the back of the Senate chamber and made a call and the matter was resolved. That says a lot about the man. You can’t always tell about Senators by their voting profiles.

RITCHIE: I got there just in time to see him leading the post-cloture filibusters in ‘77 and ‘78, when he tied the institution into knots. At that point it was a battle of wits between Robert Byrd and James Allen.

FERRIS: Oh, he knew the rules. He probably knew the rules better than Bob Byrd did at that point. Jim Allen was a formidable competitor.

RITCHIE: Well, I think this is a good break for today, but what you’ve told me really explains a lot about Senator Mansfield, who he chose, why he chose them, and how they worked together.

FERRIS: You’ve never gotten that from any of the others?

RITCHIE: Oh, yes, but I’ve gotten it from their perspective, and I’m interested to hear it from your perspective. I talked with Frank Valeo, for instance, but he talked more about foreign policy than what was going on on the floor.

FERRIS: Well, he didn’t know too much about what was going on on the floor, and I don’t know if he cared too much about what was going on on the floor. He was a foreign policy wonk, and he was good at it. He wrote clearly about it. That was the job he should have had. I always think it’s very unfair to put someone in a job that they really don’t have the talents for. The only thing is, Frank wouldn’t have been a good staff director for the Committee on Foreign Relations either because Frank had communication with Mansfield only. He had no horizontal communication skills at all, and in the Senate you need the horizontal communication. That’s what Stan and I had. We communicated with all of the members and we were always talking to all of the members, and Frank didn’t know how or to see the value in that.

RITCHIE: The other reason why this is so important is that every Majority Leader since Mansfield has said publicly that Mansfield was the model of the Majority Leader. Every single one of them, including Trent Lott and Bill Frist, has said that Mansfield set the

model for the way leadership should be conducted in the Senate. Anybody looking at the history of the Senate in the twentieth century is going to need to deal with Mike Mansfield.

FERRIS: He's a good model. I don't think there are going to be many people who will have the personal attributes of integrity and patience and forbearance that he had to be able to perform the way he did. But it's nice to strive toward something like that.

He had a remarkable career. Coming out of the mines, running away at twelve, and be able to end up with the strength of character and discipline of mind that he had. I was in love with the guy. He was my mentor, he was a great man. We grew fond of each other over time. It was when he came back from Japan that our friendship grew so strong. I visited him every day that I was in Washington. His office was just three blocks up the street, in the old Evening Star building. I used to walk up there every day and we'd eat lunch and talk for an hour and a half about everything and nothing. His secretary, Barbara Hickey, and his driver, Fred Wilson, who were very loyal to him, found him inscrutable in many ways. They'd say he'd be in there as mute as a sphinx, and then I'd come in and we'd be jabbering back and forth and they'd say, "What the hell is going on in there?" It was almost like Jim Allen and I at the football game. But it was good for him that he had an outlet—a safe and sympathetic ear and heart—and it was great for me because he was someone that I admired so much and so fully. I was hoping for osmosis.

End of the First Interview



THE CIVIL RIGHTS AND VOTING RIGHTS ACTS

Interview #2

Thursday, April 15, 2004

FERRIS: After Robert Caro began writing his series of biographies of Johnson, I read the first two volumes with fascination. I asked Senator Mansfield, “Did you read them?” He said, “Yep.” I said, “What did you think of them?” He said, “I think he captured Lyndon Johnson very well.” That to me, having read the book and hearing him say that, was about as harsh a thing as I recall he had ever said about anyone, because he was never openly judgmental. Caro did capture him. He caught the strengths but he also caught the pettiness and the weaknesses of the man as well. That’s what a good biography should do.

Probably one of the better biographies that I read that met that test was William Manchester’s *America Caesar*. I didn’t know much about [Douglas] MacArthur before I read Manchester’s biography of him, but after completing the book I didn’t know what Manchester’s final conclusion was on him as a man, because he showed the greatness of MacArthur and he showed the pettiness and the vanities of MacArthur. He showed it all, and that is a part of what everyone is. No one is full of greatness or full of weakness, it’s some of everything. But Caro’s characterization of Lyndon Johnson showed to me, at least, for the first time, his weaknesses, and Mansfield agreed with it.

RITCHIE: Did Mansfield ever talk much about Johnson?

FERRIS: Not really. We spoke about a lot of things that appeared in Don Oberdorfer’s book [*Senator Mansfield*], like his meeting with Johnson after the Tet Offensive. He sat down there for two or three hours, right before the announcement by Johnson that he was not going to run. He had called Mansfield down because he wanted to deploy some more troops. If I remember correctly, he got a call that the president wanted to see him. I think Jim Rowe was the intermediary who called him. Mansfield always used to say, “Oh, no, the president’s too busy.” He really didn’t like to go down there, he didn’t want to be the subject of “the treatment.” He probably didn’t submit too well to the treatment.

He said, “No, I don’t want to go.” Finally they went to a couple of other intermediaries and he said, “All right, I’ll go. Tell them to set up a meeting.” They said,

“Five o’clock.” So he went down that day. He said he was in the little private presidential office and Johnson was talking about how they wanted to put some more troops in, and Mansfield said, “I really don’t think this will sit well.” He said Johnson would pick up the phone and call [Clark] Clifford, and then he’d call [Joseph] Califano or someone else, and they’d be bantering back and forth, and the boss would be sitting there. He said, “I was sitting there in a chair for what seemed like an eternity. He was such a gentleman. He told me, “You don’t excuse yourself when you’re in the company of the President.” He really revered the office of the presidency. “Until the president stands up, you don’t stand up.” So he was sort of captured there until there was no more to say. Finally the President got up and Mansfield excused himself. But I remember him describing the atmosphere of it. He didn’t just say he had made his contribution and excused himself, he wouldn’t do that. The president in effect had to initiate the end of the meeting.

In Oberdorfer’s book you get the sense that Mansfield had great reverence for the presidency. I think it was difficult for him with Lyndon being so earthy in so many ways. It took a lot of the veneer off of that great reverence that he had for the presidency. We would talk about these instances, but it never rose to the level of gossip at all.

Back in the ‘60s we would frequently have morning meetings in the leader’s office. Most of the time, there was no set agenda. We would talk about some of the legislative issues. I can relate an anecdote on the Voting Rights Act of 1965. It started off with the really outrageous incident in Selma when Sheriff [James] Clark turned the dogs and the fire hoses on the demonstrators. That dominated the evening news and the newspapers. Everyone knew a Voting Rights bill would be considered that year. It was a main emphasis of the President’s State of the Union address. It was in various stages of gestation at the Justice Department and the White House, but nothing had been conveyed to the leader or anyone in the Congress. I went up to Mansfield’s office the day after the Selma event for a morning meeting but it was obvious that Selma would be the topic discussed. Of course, Selma was on everyone’s mind. He said to me, “Charlie, I want you to draft a Voting Rights bill for me by three o’clock this afternoon.” I suspected he was not serious, but he continued, “And I want it on one page.” He hated the endless verbosity of lawyers. He said, “I want it air tight. I don’t want any exemptions. I want the absolute right to vote for everyone in this country. Now that should be able to be done in one page. I don’t want ambiguities that lead to exemptions.” I sort of snickered that he wanted it by three o’clock. He didn’t snicker.

Everyone knew that the Administration had a draft bill in final form and it irritated Mansfield that the White House was withholding its submission to the Congress. He knew that the administration had a bill, but Johnson liked to pull rabbits out of the hat. He liked to pull back the veil and reveal his new creation, the Voting Rights bill. I think that used to bother Mansfield. That was not his personality. Things like that should be done because they have to be done, not because it was a good PR opportunity. Getting the job done was a great deal more important than staging an event. That's a good anecdote on the Johnson-Mansfield relationship. It was an example of Mansfield's disappointment or irritation with some of the personal peccadillos of the Johnson White House, and how he reacted to them.

It was in the paper that morning that Nick Katzenbach, the Attorney General, had been up visiting Everett Dirksen and talking about the Voting Rights Act. I said, "By the way, did Katzenbach ever come by and see you. I notice that he visited Dirksen." He wasn't put off by that at all, but he said to me, "I don't want you to talk to the administration on this at all. I just want a bill. I'm going to introduce it." I thought immediately about the responsibility of this task. I could screw this thing up! I wasn't enmeshed in this issue deeply. And he prohibited me from talking to the administration. But I had worked very closely with Burke Marshall on the '64 Civil Rights bill, when Burke was the Assistant Attorney General in charge of the Civil Rights Division, one of the best lawyers I have ever come in contact with. He taught me so much. Burke had just left the Justice Department. He was going to become the general counsel of IBM, but he was sitting over at his old law firm, Covington & Burling, before he moved up to New York. Since he wasn't part of the administration, I could call Burke. I was sure that he would help me out of the predicament.

I called him and told him what Mansfield asked me to do and the restrictions I was under. I said, "For God's sake, Burke, I could embarrass myself but more so embarrass the leader with a bill that I could put together in this time frame. I haven't been working with anyone in the administration on this. I don't know how to put a bill together by three." I could get him committed to an approach that would be not only defective but a disaster. It's awfully hard to dig someone out of a hole after you've got him in there. Burke said, "Charlie, I have a copy of the administration's bill. There are only a few of them around, and Lyndon Johnson doesn't like things to get out of his particularly tight circle." He said, "I'm going to send you mine. I'll probably be tarred and feathered if it ever gets out that I've let it go." I said, "Gee, that's great, Burke, that will be helpful. How long is it?" He said, "Sixty-eight pages." I said, "I can't read 68 pages by three o'clock this afternoon!" But

Burke got it up to me immediately, and I got a copy of a bill that Phil Hart had put in. I extracted what I hurriedly determined were the essentials of each and by three o'clock I came up with a draft. I used legal-size paper, single-spaced, no margins, and I got it down to about six and a half pages. It was something that never should have seen the light of day, but I just wanted to make sure he had something in his hand and then I could plead for more time to "perfect" it.

Burke, of course, had called Katzenbach—not letting me know—and told him he was in deep trouble with Mansfield because he's on a tear up there on the Voting Rights Act. "You'd better go cut him off at the pass because all of your work is going to be for naught." Obviously, Katzenbach called Mansfield, and Mansfield told him to come up at three o'clock. Katzenbach brought Harold Greene with him. Harold Greene was the chief of the appellate section of the Civil Rights Division at Justice at the time—and what an extraordinary lawyer Harold was. Harold was the go to guy on civil rights. I remember going to Harold's going away party at the Justice Department, when Harold was departing to become a judge in D.C. Bob Kennedy was the master of ceremonies at that event. He started his remarks with, "As Attorney General I used to always turn to [Deputy Attorney General] Katzenbach and say, 'Nick, how about getting me a couple of pages on this?' 'Oh, right away, general.' Then I found out he used to go down and call Burke Marshall. Then Bob Kennedy said I found out that Burke used to call Harold Greene. Then I thought, 'What the hell are we going through these guys for? I'm going to call Harold Greene when I need my answers.'"

It was well deserved recognition of Harold, who was such a great lawyer. He was later elevated by President Johnson to the U.S. District Court for the District of Columbia. During his tenure he handled some historic cases including the antitrust suit against AT&T, oversaw the terms of the consent decree, and supervised and implemented that consent decree for ten years afterwards. I had been chairman of the FCC [Federal Communications Commission] and my continuing interest in telecommunications law resulted in my following that case very closely in the '80s when I left government. Harold not only was magnificent in his rulings implementing the consent decree and assuring its fidelity to antitrust law, but the scope of that decree and its continuing implementation was in effect laying the framework for a new competitive era in telecommunications. His decisions implementing the decree were not only consistent with antitrust law but were incredibly farsighted in establishing wise communications policy. But I'm getting away from the story.

RITCHIE: Whatever happened to your six-page draft?

FERRIS: Well, Harold Greene came up there with Katzenbach, and they presented the White House draft. Mansfield sat there smoking his pipe, saying very little. He could at times be maddeningly inscrutable. Everyone was squirming, and Mansfield said, “All right. I’ve got this bill that Charlie put together and you’ve got yours. Who’s your guy?” Katzenbach said, “Harold Greene.” Mansfield said, “Okay, Harold and Charlie will sit and get this done tonight, meld the two, and we’ll come up with a bill and we’ll be able to go to Dirksen.” As you recall, the Senate was originating the bill in 1965. The House originated the Civil Rights Act in ‘64 and they wanted us to originate the bills in ‘65.

Harold and I sat down that evening, and Harold, who put this sixty-eight page bill together, had no difficulty at all in just jettisoning things. The first eighteen or nineteen pages were all findings of fact, that were going to be great for establishing the factual predicate for a brief in the Supreme Court. Harold knew that I would have to account for the bill’s length. So zip, we just eliminated all those things. “That can all go into the legislative history.” Harold said, “Absolutely, let’s get rid of it.” We got it down to a good trim bill—still thirty pages—and that started the process.

RITCHIE: Well, to go back to the year before. You had arrived at the Senate in the fall of 1963, just before the assassination, and suddenly Lyndon Johnson was in the White House and he made it clear from the start that civil rights was his number one priority. You had a big civil rights bill to get through the Senate. How much did Johnson have to do with the strategy that Mansfield followed in terms of the Civil Rights Act of 1964?

FERRIS: It wasn’t direct involvement. The House had already passed the bill in ‘63, that bill was a very good bill. As a matter of fact, it was a bill that the Kennedy Administration thought that the House with its rules could get through. The progressive bipartisan coalition had a good majority in the House. But the White House and most observers anticipated significant compromising modifications in order to get it through the Senate. It was the consensus that Title II, which was the public accommodations section, would be watered down, and that Title VII, the equal employment provision of the bill, would be eliminated, and Title VI, which was the cutoff of federal funds, which had far reaching grant and contract consequences, would probably be eliminated.

Hubert Humphrey was the Senate Whip, and intellectual leader, and the spiritual elected leader on civil rights over the years. He had tremendous ties to the entire civil rights community. And they had a great sense of trust in Hubert. The White House wasn't divorced from any of this, and the communication with the White House was complete, but I don't recall a great deal of "programming." Larry O'Brien was still the chief liaison, and Mike Manatos was the Senate liaison from the White House. Both had very good relationships with Mansfield. I think the communications were shared on a continuing basis. I don't think there was any anxiety at the White House, except on the '64 bill there was anxiety once we got the bill before the Senate, and the debate was underway, and all the other work of the Senate was stopped, that at some point Mansfield might say, "Enough is enough." Okay, we've gone four months and we've done nothing else, are we going to accept the fact that the session can end without anything happening? That was an anxiety that I know Hubert Humphrey and some of his staff had. I don't think Mansfield would seriously have contemplated a unilateral decision to abandon something of this magnitude.

But it was probably good that there was a little anxiety about it, because it made everyone realize that time was of the essence the advocates could not be passive and say, "We'll wait them out," especially since Mansfield refused to hold around-the-clock sessions.

RITCHIE: Can you explain that? I know Johnson wanted round-the-clock sessions.

FERRIS: Johnson had done that back when he was Senate leader. The filibuster rules do protect the minority, but more importantly they put a greater burden on the majority that seek change by the passage of legislation. If the leader decides to go around the clock, those that oppose the issue being debate, the minority only has to have one person on the Senate floor giving a speech. When he finishes, he puts in a quorum call. The opponents of the legislation don't have to show up. They prefer that it take as long as possible to assemble 51 Senators to come to the Senate chamber to answer the call for a quorum. All those who are for the bill have to contact and assemble fifty-one Senators. So you have to get everyone out of their beds and come in to answer a quorum call. It doesn't seem to make too much sense to wear down your own side of the issue. In a filibuster you test the intensity and resilience of those on either side, but when you go around the clock you wear down the people that support the legislation. Mansfield said he didn't want to kill Senators in acts of futility, whether it was Carl Hayden or one of the other old timers. He just thought it was senseless to do it, and ineffective in passing the legislation. There is a natural rhythm to an

event of this magnitude and the all-night sessions would have worked against the passage of the strongest bill possible. It also demeaned the dignity of the Senate.

The real validity and wisdom of Rule 22, which then required a two-thirds vote to invoke cloture, was that a transitory majority cannot impose its will on the minority by a hasty simple majority vote. A minority, if they considered the issue to be of such importance and held a contrary view with such intensity as was the case on the 1964 Civil Rights legislation, could prevent a vote. The opponents were primarily from the South. The cloture rule afforded them the opportunity to make the majority listen to every argument they had as long as 34 Senators agreed that the debate should not be precipitously cut short. You don't make the case that the minority has had sufficient time to make the majority at least consider their point of view by round-the-clock sessions. Every Senator opposed to the bill was afforded every opportunity to speak on the Senate floor, as many times as they wished, on every aspect they could think of, to explain the drastic impact passage of this bill would have upon their local society. Every Senator opposed would establish that their opposition was without compromise. Ultimately you reach the point, which in effect says, "We have required the Senate to listen fully and to reflect on the impact of this legislation in my state." Then when the Senate acts it is not a surrender by those opposed but a judgment made by a super majority after enduring endless repetition of the opponents' views that the legislation still must become law.

The '64 Civil Rights bill was going to affect the South more than any other part of the country. Their culture was affected by its enactment. In the South even the housing patterns were different, because blacks and whites lived side-by-side. They didn't socialize together, but they were much more integrated from the standpoint of having daily contact with each other in their daily lives. In Boston, where I grew up, I don't recall any interaction at any level with African Americans. During primary school delivering papers, in high school stacking shelves and bagging groceries at the supermarket or at the drug store as a "soda jerk," I never recall contact of any kind. I think the South was very different.

So both sides made their case, and the Senate proceedings were reported daily on television around the country. Roger Mudd reported several times each day with a running clock of the cumulative numbers of hours that the debate had consumed. There were no significant modifications proposed to the House bill, no compromise language seemed possible with the fervent advocates or the diehard opponents. It was the first piece of major

legislation that was covered daily on television. The details and dynamic of the debate led the daily news for three months. The whole country followed these reports of the debate as if the proceedings were televised (and this was fifteen years before TV was permitted in Congress). It took away the possibility of a backroom compromise. Transparency had come to Capitol Hill because of the coverage by the media. It was futile to “work a deal” because any modification that would satisfy the constituencies on one side would be too drastic a compromise for the other. It was better for the Southern Senators to be beaten than to capitulate by compromise. Anything less than an up or down vote on the bill would be perceived as a sell out by both sides on the issue.

There were discussions with many Republican Senators in Dirksen’s office over the months and minor modifications of language agreed upon, all of which were nuances that Justice found acceptable. It was important that these backroom sessions took place and took time. Senator Dirksen needed to show his caucus that they were having an impact. It was more the perception of impact than significant modification of the bill. As time passed, the work at the grassroots level continued with sustained intensity. The rhythms were coming together and they did when cloture was filed.

Before the 1964 Civil Rights bill’s enactment, I was an opponent of the two-thirds cloture rule. My reaction was that it was wrong—undemocratic. After the ‘64 Civil Rights bill, I opposed any change in the cloture rule. I think the ‘64 Civil Rights bill was as strong substantively as it was and was respected as legitimately enacted law because it required a two-thirds vote in the Senate before you could pass it. When you had legislation that would have this much impact especially directed towards one part of the country, where the intensity against change was particularly strong, then the majority should be required to stop and listen to the minority who ask, “Do you really want to do it? Because this is what is going to be the impact in our states.” That extra burden of the two-thirds vote prevents a transitory majority from being at best whimsical. I think such a delay is right. That strengthens the legislation, and strengthens the institution and establishes a legitimacy to the law especially in those areas of the country most affected.

Jumping forty years ahead, the cloture process has been greatly abused, because cloture is filed for very narrow and relatively minor issues. Back then the procedure was used very sparingly. It was not then considered a personal procedural option. I think its overuse as a procedure is directly related to the reduced reverence Senators have for the

Senate as an institution.

So the heavier burden of persuasion imposed by the rarely used procedure of requiring a two-thirds vote generated the national media attention, which put the spotlight on the Senate deliberations, which in effect brought about a transparency to the Senate and virtually eliminated the secret backroom compromise. The result was that the final legislation contained in a Title II that was not diminished, a Title VI that not changed, a Title VII that was not impacted. The bill was as strong as the bill that passed the House. There were minor modifications, but nothing of substantive significance. It succeeded legislatively because the time was sufficient for the case to be made in opposition fully and completely, and to the satisfaction of those that were opposed, so that when they went back home, their constituents knew that they made every argument against that bill that could be made, and made the majority stop and think before anything was done. That was a great lesson—a great lesson for me when I was young and impetuous, and didn't have much patience. My attitude then was "If it's right, you should just do it!" But it was a great lesson in how the Senate as an institution can work at its best.

RITCHIE: In this case, the bill had passed in the House but when it came to the Senate you didn't want it to go to the Judiciary Committee, because Senator Eastland would never report it out.

FERRIS: Yes, we used the procedure in Rule 14, paragraph 4—I think that's right, that's going back forty years to pull that out of the hat—but it was a procedure whereby when a House enacted bill came over to the Senate, the Senate Journal Clerk would read it once, and then it would be read the second time the next day. Then at that point, if an objection were interposed, the bill would not be referred to the committee with jurisdiction over the subject matter. It would go directly to the Senate calendar. That's the procedure that was used to prevent the bill from going to Jim Eastland's committee. Of course, Jim Eastland was on the floor and was informed about what was going to be done. Mansfield never did anything unless he informed all sides what was going to be done. So Chairman Eastland would be able to object vigorously to this bypassing of his committee. But I suspect that in his heart he no more wanted this bill in his committee than we did, especially because he knew this was a bill you just couldn't smother and put in the closet. It saved him that problem, and also served notice that the Senate as a whole was taking jurisdiction over this piece of legislation. As a committee of the whole, in effect, they were going to determine

the outcome of this bill.

All the negotiations that we did on the bill, all the pre-cloture (minor) modifications, were all taking place in Dirksen's backroom. Those were good sessions. Dirksen had three lawyers, very interesting but very different personalities. There was Clyde Flynn, who I think was the staff person on the subcommittee on administrative law and procedure, or one of the other subcommittees that Dirksen was on, by virtue of his membership on the Judiciary Committee. Then there was Bernie Waters, who was another lawyer on one of the subcommittees. And then there was Cornelius Kennedy–Neal Kennedy—who was a former assistant U.S. attorney in Chicago. He was sort of the first among equals with Dirksen. He was a very good lawyer—you'd almost think he was a bond lawyer because he could nitpick things or nibble things to death. Clyde was an open book. He was from downstate Illinois and I think emotionally he didn't identify closely with the premises of the civil rights legislation. And then Bernie Waters, who was very sympathetic to the legislation. So we had a spectrum to deal with, and we worked very closely.

This was when Ken Teasdale and I worked with the three of them, and we got to know each other well. We'd work in Dirksen's backroom and then at five o'clock Dirksen would always come in, no matter what we were doing, and say, "Stop, it's time to have a drink." It was social time. He knew how to stop the process and he knew that all work makes Johnny a dull boy. He created a great climate for people to work together. Burke Marshall used to come up and work with us on occasion. Burke was the assistant Attorney General. His deputy, John Doar, was the lawyer who was recruited later by Pete Rodino to direct the staff of the impeachment hearings.

John Doar was more comfortable doing than arguing over words. He was a get-it-done man. He would be the man on the scene down South when there were riots. He had a great manner and could establish great communication with the other side. He could bring people together. He was magnificent. Burke was better as a substance man. I believe he was offered the job of dean of the Yale Law School when he went up to IBM. But he had to make some money before he went back to teach at Yale, which he did after he left IBM. The two of them were just a magnificent complement. John did not come up to too many meetings. I remember at one meeting, I think John probably said, "I'm not going to go to any more of these." He didn't say that openly, but he never did show up at any more meetings. So Burke would come with Harold Greene.

Then we had meetings alone, just the leadership staff lawyers. But if anything significant was proposed, I'd pick up the phone right away and call Burke and say, "Are we going down the right path?" It turns out that in one of those meetings, we were talking about a lunchroom confrontation. What would you do to somebody like Lester Maddox? Could you cite him under Title II? The Dirksen lawyers thought it shouldn't be just one instance, it really should be a pattern of activity. We thought, well, "a pattern or practice" had to be taking place. Clyde Flynn and Neal Kennedy advocated a pattern of activity to trigger a sanction under the act. It was obvious that they had in mind sequential actions by the same person before the act was violated rather than a pattern of activity that in effect generated community support for the discriminatory actions of individuals. I called Burke and said, "What about using the language 'pattern or practice'?" And he thought that sounded great, because they were talking about communities that supported this type of behavior. That change was incorporated into both Title II and Title VII. "Pattern or practice" had a vagueness to it. The legislative history that was read into the Record before the final passage adopted the broader interpretation of "pattern or practice." This is one instance of a change that happened in one of these solo sessions that made some difference in the language but not in the bill's impact. It meant different things to different people so it created a greater perception of change than actual change.

I always felt that my job was to make sure that we didn't screw things up. This was too important for a bunch of rookies to be making the ultimate decisions. As it turned out, it worked out fine, because we always had plenary sessions where the Senators and Justice Department principals would meet and be updated.

Our almost daily staff meetings were always productive, if only because the Senate and the public knew they were taking place. The fact that the leadership was 'working on' the bill conveyed an impression that the Senate was not stalemated. It wasn't Kabuki theater, but in a sense it was. The real activity on the bill was taking place working the grassroots in the country. A bill of this magnitude which would have such national impact should require a sizeable amount of time before the Senate. That's valid on things like this, and critical if the opponents are going to accept the legitimacy of the final outcome.

RITCHIE: Speaking of roles, Senator Mansfield called this off the calendar and in a sense was the chairman of the committee of the whole. But then he deferred to Senator Humphrey, his Whip, to manage the single most important bill of the year. What was behind

all that?

FERRIS: Well, Hubert Humphrey had been the champion of civil rights since the 1940s. At the Democratic Convention of 1948, it was Hubert Humphrey who proposed the civil rights plank. He championed civil rights and social legislation in the 1950s. And in the '60s he was in a position of power, and responsibility, and authority. He was the natural man for the job and was designated as the overall floor manager of the bill. Now, there were other Senators who were picked to concentrate on and defend the separate titles. Warren Magnuson, I think, had Title II, public accommodations. John Pastore had Title VI, which was the cut off of federal funds to the states. Joe Clark had Title VII, which was the employment section. They each made a presentation on their title. However, most of the time was consumed over the three months with long speeches given primarily by Southerners who opposed the bill.

I remember one time when Senator Olin Johnston of South Carolina was giving a speech. I think he was the chairman of the Post Office Committee. He gave a lengthy speech on the floor, and Strom Thurmond, his colleague from South Carolina, followed him. Strom started talking, and Olin came down to the table where we sat, at the front of the Senate chamber. He came up and said, "You know, the difference between me and Strom is that Strom believes his bullshit." He said that in his big Southern drawl, but it had a great impact on me. It demonstrated that in private, many Senators that represented the Deep South understood that change was inevitable. They knew right from wrong, as well as any member of the Senate, but they also knew what their role was because of the emotional opposition in their states. I always felt that the South sent some of their most able men to the Senate, men of character and ability. I never met men of higher character, purpose, and integrity. Lister Hill of Alabama was the son of a country doctor. Lister Hill was the sponsor of the Hill-Burton Act, and all the construction of rural hospitals in this country is a significant part of Lister Hill's legacy. Would it have been better if Lister Hill had voted for the civil rights bill and been eliminated from the Senate? Or John Sparkman? Or Bill Fulbright? No, they should be judged by their contributions to the country during their entire careers. There were some limits to what they could do politically.

It was good to learn that lesson early in my career, to realize that there are limitations to how much Senators could lead their constituencies. You can't get too far out in front of your troops or you get cut off. But I'll always remember the lesson taught me by Olin

Johnston, he was such a loveable man. He died shortly thereafter. Who replaced him?

RITCHIE: Fritz Hollings won his seat [after defeating Donald Russell, who had been appointed to fill the vacancy].

FERRIS: That's right. But Olin Johnston candidly admitted that what someone says doesn't always reflect what's in his heart. That was a good lesson in life to learn.

RITCHIE: Just to go back to Senator Mansfield for a moment, it took a certain degree of character on his part to give up the spotlight and allow Humphrey to manage the bill. But did he reserve some maneuvering room as Majority Leader by not being the floor manager of the bill? Was there some advantage for him in being one step removed from being the chief spokesman for the bill?

FERRIS: One could say that he was insulating himself and providing at least the perception to both advocates and opponents that the proceedings would not be permitted to bring discredit to the institution of the Senate. I think that Mansfield was able to keep communication with all factions and this was a benefit especially on issues that could emotionally divide the chamber. But I never saw him seek credit for anything that was done. He always attempted to give someone else the credit for anything that was passed. I remember after the bill was passed in '64, all the Senators who not only actively managed the bill but many who were just emotionally attached to it, were asked to have their picture taken on the Capitol steps. Mansfield didn't even want to be part of that. He felt that these were the people who should get the credit for it.

I think he intuitively embraced the old Japanese notion that the nail that sticks up gets hammered down. In the Senate, if you get high visibility the other egos like to consume you and bring you down. By instinct, he didn't need his ego satisfied by adulation either by his peers or by the general public. It took me years to figure this out, but his relationship with his wife Maureen was based not only on love but absolute respect. He was so devoted to her, and respected her judgment so completely, that the only approbation he sought was her's. If Maureen felt he did the right thing, the world could be against him. Her vote was the only one that counted for him. He was truly unique—and remarkable.

Maureen was very progressive. Maureen was someone who had a Master's degree in the 1920s. Now there weren't too many women at the time who were that well educated. After receiving her degrees, she taught and she did social work. She was a person of ideas and thoughts and wasn't suppressed by the social imperatives of the time that women should stay in their place. Her education alone would make her stand out in Butte, Montana, a frontier mining town. I don't think there were too many women who had those educational qualifications in urban areas let alone in western mining towns.

Mike Mansfield had an eighth-grade education and was working in the mines when they first met. She obviously saw in him then what we all have come to see in him over the following seventy years, and he saw something in her. Maureen was remarkable in that social status was obviously not important to her. She saw qualities of character that were remarkable qualities, but she recognized them in someone who had no education. She was the one who encouraged him to go first to the School of Mines, for which you didn't even need a high school education, and then transfer to the University of Montana. He got his GED high school diploma the same day he got his baccalaureate degree from the University of Montana in Missoula. That was all her doing. She even cashed in her insurance policy to make ends meet.

He always said that she was the real politician. She was the one who encouraged him to get into politics, and the first time he lost an election, the next day she was out going around talking to people, planning for the next election. He didn't have that personality. He had a fantastic memory, though. I think he knew everyone by name in Montana. He was a Jim Farley when it came to name recollection.

The idea that he was able to defer to other Senators and to turn over to Hubert Humphrey, and to Warren Magnuson, John Pastore, and Joe Clark, and give them the visibility on this bill, which was going to be the most significant piece of legislation passed in the twentieth century, was so in character for him. His ego really was not a factor. He felt that these Senators were very experienced, and committed, and could do the job, and would substantively be responsible. If this were foreign policy, he would be in the middle of it. That's what his real love was. That's where his training was. That's what he taught. His real expertise was in foreign policy.

Leaders in the Congress probably should come from small states, where they don't have all of the parochial interests pecking away at them. They have great discretion on domestic issues because they don't have all the competing people problems in their states. I always thought of the complexities of representing New York for someone like Jake Javits. New York was a microcosm of the country. He really had to make judgments and balance all of the competing interests on every issue. He had the talent to do it. He was very smart. But Mansfield had the luxury not to have those pressures from home, and therefore he could make decisions on the basis of his view of what was fair. And whatever position he determined was best in most cases would have very little impact on the life of a Montanan. Montana is a pretty conservative state in many ways. The freedom from strong parochial interests is a great advantage to a leader. Issues can be dealt with fairly as national issues.

RITCHIE: You mentioned Senator Javits and some of the others, who did Humphrey get together in his planning sessions? What Senators did he turn to for support and advice?

FERRIS: Oh, it was a full range, not the same ones all the time. The beautiful thing was everything was bipartisan. Clifford Case from New Jersey was involved, Jake Javits was very committed and made tremendous contributions.

RITCHIE: And Thomas Kuchel, was he in those groups?

FERRIS: Tom Kuchel was the Republican Whip. Absolutely, Tom Kuchel was always involved. He was a very progressive Senator. Kuchel, and Case, and Javits, I'm sure I'm forgetting some people—I'm looking at the pictures on the wall here to see if they remind me of anyone. And on the Democratic side you had Phil Hart and others who were committed and very well identified with civil rights. They would all meet. They would meet an awful lot with Clarence Mitchell and Joe Rauh, who represented the Leadership Conference on Civil Rights. Every week there would be a meeting with them.

Clarence Mitchell [of the NAACP] was one of the most able lobbyists that I met on Capitol Hill. He was so mild-mannered but so crisp in his thinking, and had a keen awareness of what was going on, and a great capacity to listen. He was a listening lobbyist in the sense that he could more than hear when people talked. Too many lobbyists talk too much and don't listen enough. He was a listener. And he was a hard, hard worker. Years

later, back in 1974, '75, when there was no active civil rights legislation being considered, but there might have been some shenanigans going on in appropriations, or some amendment that was going to be offered to an extraneous bill, I'd see Clarence Mitchell come into the gallery, and I'd think, "Something is going on. Something is going to happen that I don't know about." I'd nod and Clarence would come down to the lobby and we would visit. "Tell me what's going on." And he knew that someone was planning to do something when a bill came up. At times it was something he agreed with and he wanted to monitor personally that it happened as promised.

Joe Rauh was temperamentally the opposite of Clarence. He was feisty and always ready to fight, as confrontational as anybody I ever met. But he was a brilliant lawyer and deeply committed to Civil Rights. I think Joe was Walter Reuther's lawyer at one time. If I remember correctly, I think Joe Rauh was Learned Hand's law clerk when he got out of school—Learned Hand, the man who should have been on the Supreme Court—and was considered the tenth Justice—so Joe and Clarence were a great duo representing the Leadership Conference on Civil Rights.

RITCHIE: I wondered about the participation of lobbyists. Were they there in a sense to keep the Senators from cutting a deal and watering the bill down?

FERRIS: No. Well, I mean the communication was open, but it was much more a sense from the beginning of counting sixty-seven votes. It was the first grassroots movement on legislation that I had ever seen. I'm told the grassroots efforts that changed the way legislative business was done occurred both in '64 and in the '65 Voting Rights Act.

The group of Senators and staff met once a week with Clarence Mitchell and someone from the AFL-CIO. They'd go down the list of our core votes, our leanings, those definitely against, and who were the possibilities. They talked about a Senator and how to reach him with a message. Sometimes it was his wife who was very supportive of the legislation. I remember in one case they knew that a particular Senator always got to work at the same time, so a Senator, whether it was Hubert or someone else, would call the Senator's home a half hour after he went to work. "Oh, he's not there, I'm sorry. I was just calling about..." and he'd give her the whole message, knowing full well that when the Senator got home he'd get a full earful that he couldn't just dismiss. There were marvelous incidents of that nature. Each effort would not produce a vote switch, but it didn't end the

effort on that Senator.

It was done across the board where there was a possibility. You found out who were the key people for these Senators in their states. Did we have grassroots in those states who could talk to the Senator? It took time, but it worked because we had the time. There was always movement. It never became a stagnant process in the sense that “well, that’s the same place we were last week.” Every week there were new assignments. Hubert would keep things moving. He had more energy than anyone else and he could energize the group. Looking back, this was an idea whose time had come. The Senate had to give it the opportunity to run its course, and that’s what it did. Part of running its course was doing your grassroots homework so that everyone was presented with the reasons why this made sense, and the reasons why within your state you could do what we hoped you would.

We weren’t making the case to the Southern Senators, but certainly were to the Western Senators, who had a small-state history on cloture votes. Cloture protects the small states. It was like the constitutional compromise of two Senators from each state, the cloture vote was a corollary of the same concept. They had this tremendous sense of standing firm on cloture, because they might need it to protect their own state’s interests. That inhibition had to be overcome. There were some with whom we were unsuccessful. Alan Bible of Nevada never voted for cloture. Howard Cannon did. He did it on the Equal Housing bill of ‘68. I’m not sure if he did it on Voting Rights of ‘65, but I know in ‘68 the big factor with Cannon was that kids were going over to fight in Vietnam and if they came back they should be able to get the same housing as the other guys they fought with side-by-side. If they fought side-by-side over there they could live side-by-side back here. But Nevada never had a Senator that voted for cloture before.

We also had Ted Moss from Utah and Frank Church from Idaho, who were open advocates of civil rights, and we had Lee Metcalf and Mansfield from Montana. In Colorado you had [Gordon] Allott and [Peter] Dominick. Allott, I think, ultimately voted for the legislation. The Western states were hard nuts to crack because of that institutional small state predisposition to limiting debate by cloture. For them it wasn’t civil rights, it was cloture or maybe some hid behind the small state attitude on cloture.

RITCHIE: You mentioned that most of those staff meetings were held in Dirksen’s office.

FERRIS: The substantive meetings. The strategy sessions were held in Hubert's office.

RITCHIE: But when you held meetings in Dirksen's office, was that to reinforce Dirksen's commitment to the process?

FERRIS: You needed Dirksen to get the cloture votes. That was another Kabuki theater. You had to have Dirksen playing a lead role in this so that his Republicans would know that this was not just a Democratic bill that was drafted by the White House. Dirksen used to come out every day and talk to the cameras at 4 o'clock. That's when they were using film and would go back and develop it before they put it on television. Dirksen loved that role. He was a great thespian. He would talk and give all sorts of reports. When you listened to Dirksen talk you'd say, "God, this is magnificent." When you went back to read it, he hadn't said too much. It was beautiful and melodious rhetoric. He should have been a Shakespearean actor. But it was very important to the Republicans that their leader was part of this, that he listened to them and brought their concerns to the process. His national identification with the bill was considered essential not only to get the legislation passed but to have it perceived as a bipartisan effort and achievement prior to passage.

I think it was during the Voting Rights Act of '65, that the backroom of Dirksen's office was again the center stage, because the Senate was originating the bill in 1965. We had the same process of coming out every day at 4 o'clock and Dirksen would talk to the cameras and the press. Mansfield would stand in the background and smoke his pipe and say nothing, just nod his agreement to Dirksen's daily report. I got a call from Howie Shuman, from Paul Douglas' office. Howie said, "God, Charlie, why can't we meet in Mansfield's office at least half the time? It's always coming out of Dirksen's office." I thought that was fairly reasonable, so I went in to Mansfield and said, "The natives are getting a little restless here, can we meet in your office half the time and Dirksen's office half the time, so the cameras will capture the Democratic leader's office at least half the time?" Again, the perspective of Mansfield was so incredible. He said, "No, Charlie, we're going to meet in Dirksen's office every day. We've got overwhelming Democratic majorities in the Senate and the House. This is probably the most important piece of social legislation in history for this country." He said, "It's very, very good if the people of this country realize that this legislation is being put together not just by Democrats but by Republicans. If Everett Dirksen can go before the cameras every day and talk about what we're doing on this bill,

that's an important message for the country." He said, "Last year in the presidential election [the Goldwater-Johnson campaign] the Republicans left the mainstream. They left the mainstream of American political and social life in that campaign, and this is an opportunity for them to get back on track."

Talk about someone who is not interested in short-term glory, that sees beyond the horizon when it comes to the implication of actions! And he was so right. Someone who had an ego to be fed or a need for attention, wouldn't be thinking that way at all. He had tremendous pride, but was without vanity.

RITCHIE: Did Senator Dirksen and his staff have much impact ultimately on the bill that passed or did they basically go along with you on the bill?

FERRIS: On the Voting Rights Act of '65 their participation was essential for the bill to pass but the structure of the bill was predetermined. There is a marvelous anecdote about this, I will always remember it as the most moment of "I made a difference" type of thing that ever happened to me. After Harold Greene and I pasted the bill together for Mansfield and Katzenbach, Mansfield scheduled a meeting in Dirksen's office at five o'clock in the afternoon. From the Administration were Katzenbach and Steve Pollock, who was the deputy Attorney General for Civil Rights under Joan Doar after Burke Marshall had left. Steve Pollock was the complement to John Doar, as John had been to Burke Marshall. Then there was Tom Kuchel, Harold Greene, myself, and Dick Streeter, who was then my assistant, and Steve Horn, who was Tom Kuchel's assistant (Steve was later elected to the Congress from Long Beach), and of course Mike Mansfield. We were in the backroom. I don't know if Hubert was there. He might have been out of town, but if he wasn't there, it wasn't because he was excluded.

Dirksen always used to get everyone at ease telling a story but not getting right down to business. That day, Neal Kennedy had a sty in his eye, an infection in his eye and he was going to his eye doctor at four that afternoon. The meeting was at five. We went to the meeting and Dirksen started in. He said, "Where are we at on this bill? Neal, why don't you bring us up to date?" Neal wasn't there. I said, "I'm sorry, Neal had a doctor's appointment, Senator, but let me tell you where we're at." I knew that the first one to structure the discussion was like the first one that picks up the pen and writes the speech, the structure is there. I outlined the bill exactly as our draft had prescribed, why we were bypassing the

federal district courts who were the traditional finders of fact. The traditional procedure going to the local federal district courts to obtain a remedy to mandate Voting Rights would take seven years to exhaust the Appellate process. A case by case method was inadequate to meet the urgencies of the times.

The Congress in this bill would make an administrative judgment that if in any state or political subdivision of a state that had a literacy test as a precondition to register to vote, and less than 50 percent of the people in that state or any of its political subdivisions voted in the '64 election, then the Attorney General could petition to have the Civil Service Commission send down registrars to register voters in that jurisdiction. So I went down the structure of the bill. No court case need be filed. The Congress made the judgment that if a literacy test was a condition of registration, and less than fifty percent voted, there was a finding that impediments to voter registration existed. But as soon as I said, "send registrars," Everett Dirksen said, "Charlie, that word 'registrars' is a red flag to my people. Do you think we can call them 'examiners?'" Boy, oh boy! Katzenbach said, "I think that we can make any modification along those lines that you want." The discussion went off on that little side tangent. Other discussion took place on the other provisions of the bill by all the participants without any sense of objection from Senator Dirksen. The real guts of the bill was bypassing the local federal judicial systems in states that failed the test. Subsequent state repeal of its literacy test did not relieve the state. In fact, no state could even petition for relief for years and then only in federal court in Washington.

Mansfield knew how to listen. He absorbed the essential structure of the bill from the discussion. He listened to the whole structure that I had just laid out. As we got up to leave, Dirksen said, "All right, this is good, we'll proceed from here." Mansfield said, "Everett, before we leave, do I have it clear that you agree on the structure of the bill as we have discussed this afternoon." And he went down and recited all the essential elements of the bill, the existence of a literacy text, to the less than 50 percent of those that voted in '64 by the '60 census, bypassing the judiciary with this finding of fact, and putting in examiners. "Do you agree that this is the structure of the bill?" Dirksen said, "Yes." "Are we going to call them examiners?" He said, "Absolutely, that's the structure that we agreed to." That bill was set in stone. Everything that was done after that with Neal and Steve Pollock was nothing but moving chairs around on the deck. If you took this clause out, it was interrelated with another and you'd have to put the clause taken out elsewhere in the bill. So it was just shuffling the provisions of the bill to keep it consistent with the agreed upon structure.

Dirksen had agreed to the basic structure of the bill. Mansfield knew the significance of that and wanted to make sure that in all this camaraderie and backslapping, we had actually done something here. And he got it pinned down. It was a meeting that made a difference. I just always look back and think, God, as a young kid with all that talent in the room, I jumped in when Neal wasn't there, because I knew we could go off into the wild blue yonder or we could stay focused. I think we always would have passed the Voting Rights bill, and it would have been a good bill but I do think the fact that we bypassed the judiciary in the South, that the local courts could not stay any of the activities of the registrars was the essence of the bill and its most vulnerable provision. I am almost certain that this great leap over the judiciary in the South would have been the focus of an attack on the bill. I think Neal Kennedy would have been very uncomfortable with it and it would have dominated the greater part of the discussion in the weeks ahead, and in all likelihood would have resulted in modification and revision. We would have passed a bill, but I don't think it would have been nearly as crisp and elegant as the bill that ultimately passed. It had all the essential elements of the bill that Harold Greene and the Justice Department had drafted. It was well-thought out, it was crisp, and it did the job. We did a lot of shuffling, but everything, I think, was predetermined by that first agreement on its structure with the leadership.

RITCHIE: The literature tends to focus on the Civil Rights Act of '64 and not as much on the Voting Rights Act, but I've always thought that if it hadn't been for the Voting Rights of 1965, the '64 law would not have been as affective, because people would not have had the voting power.

FERRIS: The Voting Rights Act of '65 was by far the more important of the two. The '64 act was the dignity act. The '65 act was the empowerment act. That was what gave the power of citizenship to minorities.

RITCHIE: The Senate was stuck in a filibuster for months in 1964. Did the Johnson White House begin to get nervous that the bill wasn't going to come to a resolution. He was facing a presidential election that year.

FERRIS: Actually, I don't recall how it manifested itself. As I said at the beginning, there was all this anxiety that Mansfield might have to pull it down because nothing was happening. If we had around the clock sessions Mansfield would have become more frustrated and impatient and if he saw the Senate's dignity diminished and Senators' health

threatened, he would have created pressure for a compromise. Those around the clock sessions would have been counterproductive. Around the clock sessions penalize the wrong people. The opponents of legislation need only one Senator on the floor and then at any time any opponent can suggest the absence of a quorum. The proponents of the legislation must then round up fifty one Senators to come to the floor to establish a quorum. Proponents could have been kept up all night answering quorum calls until the Senate was forced to adjourn. But I don't think Mansfield would have taken any unilateral action without the concurrence of those managing the bill. It was too big an issue to just say no, it's over. But because Mansfield was so damn inscrutable the anxiety was there, and that was good because that kept people working very hard on the bill and doing the necessary grassroots work. I'm sure they were worried, but the communication was total. They were meeting day-by-day, and Hubert Humphrey, as part of the leadership, attended all the White House meetings. Hubert would give a report to them that everything was moving, so I don't recall any intervention by any of the White House staff. Of course, the White House was providing great assistance in generating public reaction from the grassroots. The President of course made his personal and private pleas to the Senators as well.

RITCHIE: By the time you got to the cloture vote, were you confident that you had the votes you needed, or was it uncertain?

FERRIS: No, we were pretty confident that we were going to get the votes. In fact, we got two or three more votes than we actually had counted. When we moved, we thought we had it. Clair Engle came in to vote and died ten days later. He was on a stretcher and could only raise his hand. The votes were there and we knew it—but until they answer the roll call you never really know. As Huey Long used to say when he reneged on a commitment, "Tell them I lied." Commitments were given but people can change their minds. But I think it was pretty certain.

RITCHIE: CBS put Roger Mudd out on the steps during the filibuster.

FERRIS: Roger Mudd was out on the steps every day. I think then all on-air personnel were paid by the amount of time on the air. I think Roger was with WTOP here, the CBS affiliate, but they carried him on the network. A running count was displayed on the screen with the cumulative number of hours and days of debate. Roger was a good friend and still is to this day. Roger lived in a great old house in McLean. I kidded him, "This is

the house the Civil Rights bill built.” He became a national celebrity because of his coverage of the bill. But that coverage was essential because it kept the issue before the country and provided context to the general public. It kept the legislation on the public’s mind. It undermined any notion that this was an exercise in futility. This was just something that would remain on course, this was something that would take time, but it was going to conclude, and not collapse. These were serious issues that would to be confronted and resolved. There was never a sense that it wasn’t going to happen. There were thoughts early on that some Titles would be watered down or eliminated to get sufficient cloture votes, but the bill was definitely going to pass in some form. But everything aligned itself perfectly to assure that dilution did not happen.

RITCHIE: I was thinking that the chief strategy that the Southerners had was to try to prevent a vote from happening, to keep the debate going as long as possible, but there got to a point where it had gone on for so long that it had to come to some resolution. In a sense by making it the longest debate in the history of the U.S. Senate, they undermined their position and strengthened the resolve of the majority to invoke cloture.

FERRIS: I think that’s true, but I think there was another perspective as well. It was the longest debate in Senate history. The Southerners put up the best fight of any minority against the bill before cloture was invoked. Politically, the length of the debate satisfied their constituencies. Nothing more could be done by them. I think that was an important perception. The majority never ceased their efforts to reach every Senator who had no political risk in voting for civil rights. Everyone was considered in play, whether it was Bourke Hickenlooper or Karl Mundt, Milton Young of North Dakota. These were Senators whose vote for civil rights did not have a downside. They were from small states. But efforts were being made to see if they could be reached and convinced. The people who said absolutely no were only those from the nine Southern states. The others, mostly from small states, were more affected by the institutional issue of cloture. The reason why the rule made sense then, when cloture was hardly ever attempted but was resorted to only when the issue was so significant and extraordinary that the small state Senators could be appealed to without significant undermining of their principles. These arguments reinforced one another to reach the same conclusion.

RITCHIE: A lot of people assumed that once you had cloture you had the vote, but wasn’t there the possibility of a rearguard action after you had cloture, with debates on

amendments that had been offered. Was there any possibility that they could have done a post-cloture filibuster?

FERRIS: No, they each have an hour for debate after cloture is invoked. So they use up their hour, even if twenty Senators have twenty hours, then there is no further debate and any amendment could be completely disposed of by immediate vote. It's finite. It was really not perceived as a problem. In later years, Jim Allen and Jesse Helms used to try and load the deck with amendments in case cloture was invoked. But those issues were insignificant by comparison. With a smaller, less nationally important bill, a strategy like that can be effective, because there's only so much time that you can give to legislation in any one session. You have to make judgments. The judgment was that the Civil Rights bill's time had come and no other legislation would provide any justification to displace them.

RITCHIE: Well, speaking of time has come, the tape is about to expire and this might be a good time for us to break. I'd like to pick up the next time by talking about the Great Society, and the Vietnam War, and other events in the 1960s.

FERRIS: Absolutely, I'm enjoying it. Am I adding something that the others haven't said?

RITCHIE: Most definitely. History is incremental, we add layers of perceptions. One of the things that impressed me about Don Oberdorfer's biography of Senator Mansfield is that he managed to interview the Senator about thirty times. I couldn't believe that after all those years of saying "Yep" and "Nope," that Senator Mansfield was finally ready to talk about his career.

FERRIS: Yes, Don did a magnificent research job. It was so thorough, and he was so intellectually honest in writing it. Mansfield wasn't going to do it. Don came to me and said, "I want to do this, what can I do?" I said ask him, and he did. Mansfield said, "Well, let me check with Maureen." She thought it would take too much of Mike's time, but he did it anyway.

End of the Second Interview



THE GREAT SOCIETY

Interview #3

Monday, May 3, 2004

RITCHIE: You said that Senator Mansfield never had a press secretary.

FERRIS: Mansfield did not have a press secretary. He dealt with the press personally every day in the well of the Senate. He always came to his office on Saturdays for half a day. He had an open door each Saturday morning to anyone in the Senate press gallery to have a cup of coffee with him in the leader's office. It was surprising that only three or four used to do it, but only that many came in on weekends when the Senate was not in session.

I sort of half backed into the job. The press would come to me to ask "What's the meaning of this?" I never held myself out as a press liaison but I had friendly relations with many and the routine developed.

One of the things I asked all of the reporters who came in was that our conversation was to be for background purposes only. I never wanted my name to be in the paper. Mansfield had to get elected; I didn't. You can talk about a source or whatever, but don't put my name in it. The other thing was: If you take a blind quote from our conversation, I'd just appreciate it if you would run it by me before publication to assure accuracy and to get all the dangling participles out of my quotes. I only asked them the first time we had a conversation and never needed to again for as long as our relationship lasted. So any time they were going to quote me as a leadership source, they would call and I would purify my grammar. That's what I need very badly, as this interview shows!

RITCHIE: There are a lot of reporters who will never do that. They just don't want to show you anything they've written before they've published it, but when they sometimes do read back something they want to quote you saying, half the time they've gotten something wrong.

FERRIS: I never recall saying, "Gee, no, I never said that." It was more "Yes, I said that, but it would be clearer if you put it this way." And they usually said yes. As long as you weren't trying to haggle with them over "did I say this" or "did I say that," they would go

along with you. The best policy on all of this is to never play games with the press or with the staff or anyone else because it comes back to bite you. You'll trip over your own spin if you do that. We used to put spin on it. I would express a view from our standpoint, but that was all legitimate. I never had any difficulty at all with the press. John Finney of the *New York Times* covered the Senate during the 1960s. David Rosenbaum, who is still writing for the *New York Times* was up there before I left in the '70s, and he's still covering it. Joe Albright, who was there for the *Washington Post*, retired in the '60s and was replaced by Spencer Rich, who still occasionally writes for the *Post*. I don't know if he has a regular beat or not. I remember Spencer Rich, when he was first assigned to the Senate. We were considering the authorization of the ABM or MIRV. John Finney was very interested in those issues and wrote with the authority of an expert. His stories on those issues were usually on page one of the *New York Times*. Spencer Rich came in to introduce himself to me. He was a very direct guy. I liked Spencer. He said, "Charlie, my editor said that my task is to be beaten only twice a week by the *New York Times* and not five times on the lead Senate stories." With John you had a conversation. He knew a lot of the players. The conversation with John Finney would be as revealing to me as the information I gave to him. Spencer was a good reporter but liked to keep his information close to his vest. He learned that an exchange was a better way of getting information.

You had Joe Stern of the *Baltimore Sun*, John Avrill, Jack Nelson of the *Los Angeles Times*. It's amazing that I remember all those names. And you had Walter Mears of AP and Steve Gerstel of UPI. There was Marjorie Hunter from North Carolina for the *New York Times*. She loved the House, but she reluctantly used to come over to the Senate when she had to. That's when the *Times* covered by chamber, and the *Post* did too. Then they reorganized and started covering by subject matter, so each reporter had a specialty or set of specialties and would follow their issues on both sides of the Congress. I suppose that provided each issue with more depth coverage. When the reporters were generalists, it made for an easy and casual interaction that added a fun dimension to the place.

RITCHIE: You mentioned all print reporters. Were there any broadcasters who came around much?

FERRIS: Sure. Roger Mudd [of CBS]. Sam Donaldson [of ABC]. Paul Duke, who later went over and ran *Washington Week in Review* on PBS, was there for NBC.

RITCHIE: Would you have press conferences at all, or would they just drop in when they needed something?

FERRIS: They'd just drop in. In the afternoons, after the adjournment of the Senate for the day, I'd go up to the press galleries and occasionally had a hearts game. Steve Gerstel was the big organizer of that. I felt comfortable just walking into the press gallery and socializing. I can't recall going with a specific issue to talk to them about. There was a pub down here on Eighteenth Street, The Class Reunion, where many in the press gathered on Friday night--both from the White House press and the Hill press. I used to drop in occasionally. I just liked the people of the press, and in particular the *Boston Globe* reporters, David Nyhan, Jim Doyle, Marty Nolan, Bob Healy, Mike Barnacle and Dick Stewart would give me an opportunity to talk in my native dialect. The *Globe* had a very good bureau and they covered the Congress very well. They were guys from my hometown. I enjoyed their company.

RITCHIE: When you were at the Policy Committee, was part of the job essentially to let them know what the likelihood of the schedule was going to be or were you actually talking to them about the substance of the bills?

FERRIS: It was more than the schedule. The schedule was always announced on the floor, but it was always by floor amendment that the final shape of legislation was determined. Their interest was in the interrelationship and interaction of controversial issues that were making their way out of the committees. I used to get more information from them than they got from me. They'd say, "Do you realize, Charlie, that..." Or "Did you hear...?" I hadn't heard a damn thing. So we'd have a discussion about it. It's like I used to go out in recess periods and talk to colleges. I always found that with every college group that I spoke to, we would have a Q & A afterwards, I learned more than they ever learned from me. It's the same thing with reporters. I used to learn so much more from them because they were digging around in all the crevices in the Capitol finding out the latest conspiracy. It was very good intelligence for me to have.

RITCHIE: How would you rate the press coverage of the Senate during the years you were there? Was it fairly well covered or were you at times disappointed in the level of coverage?

FERRIS: I thought it was covered well. The *New York Times* was always very good on the big issues, as was the *Post*. They had very talented people that covered the Senate. I don't know if they put their best on the Senate beat, but they certainly didn't put their worst. I thought their coverage was great. I don't know how it is now, but then I thought it was very good. Now, that might mean that I thought it was very favorable to our side of the issues, and it could very well have been. But it wasn't biased coverage.

RITCHIE: But it was fairly comprehensive?

FERRIS: Very comprehensive. I remember one instance on one of the ABM or MIRV debates in the '70s. Scoop Jackson actually went to the publisher or the editor of the *New York Times* and complained that John Finney's coverage was biased against his position on the ABM and he wanted someone else to cover the issue. I thought that was pretty rough. These issues were being staffed by Dorothy Fosdick and Richard Perle for Scoop. I know it happens, and John told me about it, and I told Mansfield about it. Nothing ever happened, but John was upset by that. No reporter wants anyone ever to say that they are biased. On the ABM/MIRV debate, the Senators who were opposing the Johnson Administration's ABM proposal were making the better case, assuming the burden of persuasion and as a result were getting the most ink.

I remember this vividly, when the ABM was first proposed, it was in the military construction authorization bill, and the language in the bill never mentioned the ABM. It was included in the line item "Army, missiles, \$8.2 billion," or something like that. That was it. There were about thirteen words and that was all that referred to the ABM. The lack of specificity in those bills was incredible. So there was tremendous burden on the people who were trying to make a case to challenge it. They had to do all the work. John Finney was a very good reporter, who dug deeply and had great sources on the Hill. His ABM coverage was the lead story many times in the *New York Times*; he had great credibility in the Senate and with his colleagues in the press as well as with his newspaper. I think he had great impact on the issues he addressed. It was more an indication that the story was being well reported and it was not fortifying or strengthening Scoop Jackson's case. Nothing ever happened, thank God, but John was very upset because his integrity was being challenged without real justification. I'm sure that Dorothy Fosdick and Richard Perle, who worked with Scoop Jackson at that time on these issues, thought that a message to the *New York Times*' management would affect John's coverage. It didn't.

RITCHIE: The *Times* has been prevailed upon by various presidents to get rid of one reporter or another, and it has always had just the opposite effect, it locks the reporter into place, because the newspaper can't be seen as caving in by removing somebody from a beat.

FERRIS: That would seem to be the normal reaction. Scoop later ran for president. He took a risk that could have had impact on his political reputation.

RITCHIE: One of the biggest flaps with the press in the late '60s was when Drew Pearson and Jack Anderson went after Senator Tom Dodd, running a long exposé of his behavior, which eventually led to his censure. How destructive was that inside the Democratic Party to have a Democrat targeted like that?

FERRIS: Well, you always feel for someone who is under siege, as Tom Dodd was at that time. Tom Dodd had a very interesting relationship in the Senate. I had the perception that he was a loner. I never identified his fraternity of comrades. And he had the poor timing sometimes of coming to the floor when he should have stayed in the office. Russell Long had that difficulty as well, and that hurt Russell badly because in the minds of the Senate elders anything that brought disrespect and disrepute on the Senate as an institution was an unforgiveable sin.

What was so evident back in those days was the reverence to the Senate as an institution. The institution really was more important than the sum of all the Senators. Even though there were members who were running for president—and many thought they should be president—they respected the Senate as an institution. That was really attributable to the Senators from the Deep South. They never entertained the possibility of running for President. The Senate was the pinnacle of their political achievement in office. They were very protective of the institution. It was pervasive throughout the entire institution and prescribed the behavior of the younger members. Now I read in the paper about what's going on up in the Senate where the Republicans have excluded Democrats from conference committees. Wow! Doing things unilaterally. Not even having them come to the meetings. Sure you're going to outvote them. You can always outvote them. You can appoint more of the majority party than the minority party. But excluding them doesn't treat your colleagues with respect. They obviously don't respect the concept of a legislative body. A legislative body is supposed to listen to all viewpoints. Everyone puts some flavoring into the stew. But that has disappeared, apparently. That was not the case back then. The

institution was most important, and so when someone embarrassed the institution, it had an impact on each member.

The issue of Tom Dodd and his censure was tough. There are times when the mores or the rules or the standards of conduct change. The changing of the language of a rule never seems to be effective until someone is sacrificed. The stamp money in the House with Danny Rostenkowski was such an issue. The practice in the House was that the \$2400 in stamp money if not used could be converted and added to your office expense allowance. They weren't supposed to do that, but to really change the rule someone had to be made an example. Danny was exposed, and the rules changed. I think with Tom Dodd it was the co-mingling of campaign funds with his personal funds. For members today, everything they do is a political act. They're running twenty-four hours a day, so out of their campaign funds they can pay for almost everything they do everyday. The big difference is the openness of the process and the accountability of the donor. That's acceptable now, and it was certainly acceptable back then. In the 1960s, cash contributions could be made to members. It wasn't until '72 when they passed the Federal Election reform that the sources and accountability of campaign funds and the banning of cash payments was enacted. There were lobbyists before the '72 election who used to go in to visit Senators and leave envelopes with cash for their campaigns. To be able to do it simultaneously was a little untoward, but it was not illegal per se.

With Tom Dodd, it was the issue of co-mingling. From my foggy recollection of the events, he did some repairs on his house out of campaign funds. It pushed the limits on "political expenditures." Everyone gets the message when an example is made. What Tom Dodd did, might have been done in the past by many others but it was a time bomb ready to go off. The age of TV was arriving and the cost of campaigning would soon escalate dramatically. So much more money would be needed to get elected to office. The lines defining the limits on expenditures were being redefined. The casualties often occur to those who are the slowest to become aware of the changing environment.

[Harrison] Pete Williams was caught in the ABSCAM affair. In my opinion, it was entrapment. In law school in the tort class one learned the notion of an "attractive nuisance," like a swimming pool in your backyard. You've got to have a fence around it because little kids will be attracted to it and they can drown. You have to have barriers to save the public officials from themselves. In the entrapment of ABSCAM there was no barrier. It was so

sad. I didn't like the idea that it was being done. That our government sets up a situation not based on proven activity of the individual and offers tens of thousands of dollars to support a position is more reprehensible than succumbing to the temptation. I remember the Walter Jenkins episode where he was observed through a peephole in a YMCA men's room stall in a compromising situation. I thought then that a police force that assigns officers to spend their day looking through peepholes in YMCA toilets was far more repulsive and embarrassing than anything they observed.

RITCHIE: On the day of the vote on his expulsion, I was standing in the Russell Building waiting for the elevator when Senator Stennis came up beside me and pushed the button for the Senators' elevator. He turned around to me without any introduction and said, "When I was a judge, I threw out every case of entrapment that came before me." And then he got on the elevator and went to wherever he was going.

FERRIS: He threw out every case where entrapment was involved?

RITCHIE: If it was entrapment, he didn't want to have anything to do with it.

FERRIS: Boy, I sort of felt that way during that whole Pete Williams incident. But that wasn't part of the Tom Dodd case. The Tom Dodd situation was about converting the money. One of Dodd's lawyers was an old neighbor of mine, formerly with the U.S. Attorney's office, and then in private practice. He was retained to help Senator Dodd. I remember him making almost a net worth case to me that Tom Dodd ended up with no money. He didn't come from money, he had no money, and even at the end of this affair he had no money. How could he be culpable for this enterprise that didn't benefit him? I said, "I think really it's not the issue of whether the enterprise was a failure or not. Was the enterprise something that should not have been undertaken because of the co-mingling?" I think that's what the issue came down to. But I think it was a line drawing. You have to carve out things that are not acceptable. If people give you campaign money, you shouldn't use it explicitly for personal capital expenditures on your home.

RITCHIE: Ever since the Bobby Baker case in '63, and then the establishment of the Ethics Committee in '65, there was a lot of effort to define what was and what was not acceptable. A lot of the practices had been going on before, but people looked the other way and tolerated them.

FERRIS: Yes. And John Stennis was the chairman of that Ethics Committee. He was always considered “The Judge.” Paul Douglas said, “If I were going to be tried, the one man in the Senate I’d want to have as my judge would be John Stennis,” which was the greatest compliment coming from the most liberal Senator to one of the most conservative. Did the Ethics Committee establish a set of rules of conduct to guide the Senators, or did they just respond to petitions that came to them alleging improper activity?

RITCHIE: I think it was both, responding and drawing up guidelines, and some of it became statutory when it came to campaign finances in particular, and they still respond to questions from staff and Senators who confront situations that are problematic and ask the Ethics Committee for a decision about what they should do. A lot of it seems to be situational ethics.

I wanted to go back to the mid 1960s when you took over as the staff director of the Democratic Policy Committee. Lately there has been a lot of writing that says “the Senate doesn’t work.” Everything is gridlocked. The parties aren’t cooperating. In 1965, it was just the opposite. Everything worked. It was probably the most productive Congress in terms of numbers of bills considered and numbers of bills passed. The whole agenda got passed during those two years was remarkable. What was it that made the Senate work in 1965?

FERRIS: I think the procedure followed then for legislating was to separately authorize a program and after enactment into law then the appropriations process began. The legislative committees were making recommendations as to the course of action to be taken to address a problem and not focus on the amount of money that would be expended in a given year. The focus was on defining the problem and why it was appropriate for the federal government to address it. So the question was always: Is this something that the federal government should or should not do? It was the appropriateness of the federal government involving itself in remedies for these problems. Should it be the federal government or should it be left to someone else, the states, the local government, or private interests? It was such a marvelous place for an idealist because you just had to make the case that the problem needed attention, whether the problem was poor people, education, environment, rebuilding of cities and our superstructure. If the problem was defined satisfactorily and the remedy was considered reasonable, the presumption was that the money would be there. You didn’t worry about the money. It was a time when a lot of Senators did not have to make real choices. You could be for everything. You had people

like Scoop Jackson and John Pastore who were for everything for the military and everything for social legislation. You could be a generous social liberal and a generous conservative hawk.

Then in the late '60s, when Vietnam started draining the bank, it became a guns or butter situation and then people started to have to make choices. The dynamics change. But that period that you are talking about, from '65 to '66, was a beautiful period where idealists and romantics could talk about issues and not be swept away by the response: "But we can't afford it." No one worried about affording it. Sure there's money there. Is it something we should do? You really focused on the merits of the case without a summary dismissal based on the notion that we could not afford to consider it.

Of course, the tragic assassination of John Kennedy and his successor Lyndon Johnson's forte being the legislative branch created the perfect legislative storm. You had this confluence of Kennedy idealism and his memorialization and the energy and commitment of President Johnson. You always go to your strength, and Lyndon Johnson obviously wanted to make his mark as one of the great progressive presidents. He was a great admirer of Franklin Roosevelt, and did not come from wealth. He understood what poor people needed. In Johnson's original congressional district, his constituents were plain folk and he had a feel, a personal touch with them and their problems. I think his commitment was very sincere.

And you had a marvelous majority of progressives in the Senate. But it was totally bipartisan. Never once did we pass anything on a partisan basis. Never once (of course a vote on the election of the President pro tempore and the establishment of committees was ritualistically along party lines, but that was always by voice vote). That made the dynamic so positive and reinforcing. Senators would listen to one another. They actually listened. And they tried to take into account the concerns of someone opposed to their position to really understand that perspective. They respected each other and each felt they were being intellectually honest about their state's interest. It's the old question that all when they first run for Congress, say, "Elect me and it will be different because I will..." Well, nothing momentous happens, because they just are one out of 535 viewpoints to be considered, and every perspective of every congressional district is very different. Their views should be listened to and considered, because your district is not the same as anyone else's district. If you are in a listening mode you can learn from someone else, and you can learn another

dimension to a problem. That horizontal dialogue that took place made the institution such a beautiful functioning institution and a beautiful place to work. Members of the Senate were very satisfied with what they did because what they were doing was what the bipartisan majority considered right. The partisan majority weren't ramrodding bills through. The partisan majority was not usually large enough but if it had been, it would have made the work product less appealing.

With civil rights, you knew that the Southern Senators weren't for it, nor could they be because the overwhelming number of their constituents held attitudes that wouldn't permit compromise. But still there was dialogue, really genuine dialogue and real listening. That process resulted in much stronger legislation. I've always said that with the Civil Rights Act, because the Senate had to pass it by a two-thirds margin, that legislation, when enacted into law, was honored by all the institutions of the South. The compliance by institutions in the South was remarkably fast, however unenthusiastic. I believe the entire country realized that there was a legitimacy to the process of how it was passed. The opponents were listened to. They didn't change their minds, but they were listened to, and they knew their constituents' attitudes were considered. The majority didn't act until the opponents had run the full gambit. That was a process that happened in a less dramatic way on every bill. From both sides of every issue as well as across the aisle there was communication. Nothing was ramrodded.

RITCHIE: In the Policy Committee, you still had a good representation of the Southern conservative Senators.

FERRIS: We had that in every committee of the Senate. If it was going to work, each committee had to reflect the ideological spectrum that appeared in the parent body. Our Policy Committee totally reflected the spectrum in the Democratic Party, just like any committee should. A committee could evolve over years to get out of balance with the full Senate, but then those committees would be more likely to attract greater scrutiny when their recommendations came to the floor. The Committee on Armed Services fell out of balance. Only those who were very interested in defense facilities present and future in their states were members on that committee. It changed around the late '70s when Ted Kennedy went on it, and Carl Levin went on it. There were people who said, "We should be focusing on some of these things." And it's probably much healthier now because there's a balance.

RITCHIE: Hillary Clinton is on the Armed Services Committee.

FERRIS: Is she on it? Well, that's good. That means that when something comes out of that committee it has gone through that filter, and that's the way it should be. Our Policy Committee was that way.

RITCHIE: Did the conservative Southern Democrats have a sense that the train was going and there wasn't any chance to stop it, or did they put up some resistance to some of these Great Society proposals?

FERRIS: Questions were raised about whether it was appropriate to be doing this or that. But on the Policy Committee we never had a breach of any of the discussions. In my fourteen years there, there was never a leak. The members of the Policy Committee felt very comfortable having conversations that they probably could not have had back home or anywhere else where they could be reported. As a result, they could still be very opposed to an issue, but I don't think they felt it was a place where you had to trump the other guy. People would listen. Mansfield had a tremendous capacity to listen. I think that helped that dynamic, because they knew that Mike was going to be listening, and he always did listen to all sides on these issues. They knew they had his ear. That's what counts.

Even with all the Great Society legislation that was passed, a lot of it has now been challenged because it didn't do the job. A lot of it has been characterized as just throwing money at a problem, and in many cases you could accurately make that characterization. I think on the poverty bill, the beneficiaries, the poor people, were the first to know that this was not going to have a long term impact on their lives. But I think they got great comfort from the fact that someone in power was attempting to think about them and do something for them. That is very important for the country, for the people at the lowest economic level to feel that the people in power are really concerned about them and want to do something about their plight. If what they did was feeble and ineffective, they were the first to realize that. It wasn't going to change the basic infrastructure, but it was very important that the effort be made. I think it gave a connection to an awful lot of people who could have been totally disassociated from society.

RITCHIE: I noticed that there was a Legislative Review Committee as part of the Policy Committee at that time. What did that do?

FERRIS: It really was not differentiated. The Legislative Review Committee was used to expand the Policy Committee membership to give it real balance. Phil Hart came on on that basis. Danny Brewster was someone that came on the committee that way, and Ed Muskie. I think Mansfield used it to give a representative spectrum on the Policy Committee, because you never rotated off the Policy Committee. You were there for as long as you were in the Senate. Dick Russell was on, and Lister Hill was on long before I got there. Fulbright was on. But those were non-competitive states. The Legislative Review Committee never met as such, they just met with the Policy Committee. I think there was a card that had Legislative Review Committee, but it never met and had no staff. We were the staff for it.

RITCHIE: It was a way of giving more Senators a feeling that they were part of the leadership process?

FERRIS: It was a way of making the Policy Committee representative of the caucus.

RITCHIE: And very different from Lyndon Johnson's leadership, where a handful of people met for Policy lunches.

FERRIS: Yes, it was different, apparently. I wasn't there, but just reading Caro it was different. There were super Senators. There were the giants. When you perceive some Senators as giants you are subtly saying that there are other Senators who are pygmies. Mansfield had a strong egalitarian sense about the Senate, that every Senator was equally as important as any other. It might be that coming from a small state he felt that way, but I think his general temperament required that approach. The Democrats kept all the power in one person—the floor leadership, the caucus, the Policy Committee, and the Steering Committee—all were chaired by Mansfield, as they were by Lyndon Johnson. Whereas the Republicans fractured theirs, and that deprived the Republican leader from using these vehicles as a way of informing his judgment on matters as floor leader. He didn't have these pockets of communication. So the centralization worked from the standpoint of assisting the leader in performing his job as leader. I think Lyndon Johnson wanted to have everything always in his pocket, all the levers of power. That was not Mansfield's motivation. He inherited consolidation and he used it well.

RITCHIE: I was looking at the statistics of the number of bills introduced and passed in '65 and '66, and the numbers and percentages increased enormously between the Kennedy and Johnson years. What kind of problems did that create for running the Senate calendar? Was there a problem in scheduling so much?

FERRIS: It was hectic but interesting. We tried to work out a consensus on the floor debates. If you had a committee that was very representative and worked in a bipartisan way, you could get a bill through almost on the consent calendar. You take the Public Works Committee with all the Clean Air and Clean Water Acts. Jennings Randolph, I think, was the chairman, but you had Ed Muskie, and Howard Baker, and John Sherman Cooper. These were marvelous people from the standpoint of understanding the Senate as an institution, and listening, and accommodating, and working things out. When something came out of that committee, no matter how significant it was, it was going to fly. We'd try to get unanimous consent agreements for debate on bills prior to their actual consideration on the Senate floor. We would see if we could work out an agreement with the minority on the time allocated for debate, whether it was five hours of general debate and an hour on each amendment, or different amounts of time on specified amendments. We'd attempt to get very detailed agreements. And we always had a germaneness issue in our consent agreements so that the leadership wouldn't get blindsided with mischievous amendments.

The dynamic was marvelous. Although the environmental acts were passed in later Congresses, they are the best examples of how cooperation and consensus building in the committees led to consensus on the floor.

Whenever we had a vacation scheduled, whether it was Easter or the Fourth of July or the August vacation, the amount of work we would get done in the few days prior to that recess would oftentimes equal a month's worth of work. The Senators wanted to leave town on schedule and they knew that the entire Senate felt that way. The leverage of delay worked against the footdraggers when the leadership announced the scheduling of a bill, so they would agree to consent agreements. We'd work with tremendous fervor for that whole period, and to a great extent would clear out any backlog on the Senate calendar. These vacations really helped because there was a finite time to do things. So when the manager of the bill or the chairman of the committee wanted something passed, we'd work with him and the ranking minority member on a debate time limitation. A great deal of it was passed on that basis. I don't think we had open-ended debate on many things at all. If we started

it open-ended, it ended up with a consent agreement. Is that still the practice?

RITCHIE: Well, it's much harder to get those agreements today.

FERRIS: That's because of the lack of communication horizontally. It's sad.

RITCHIE: One of the very few issues that the White House wanted, or at least said they wanted, that they didn't get was the repeal of the provisions of the Taft-Hartley Act, section 14 (b) on "right to work" laws. Johnson proposed the repeal, the AFL-CIO wanted it, and the Senate ended up not being able to invoke cloture on the filibuster against it. It stands out as the only thing that was high on anyone's agenda at that time that didn't get passed.

FERRIS: I'm not certain of this, but I think there was a little Kabuki theater there. Labor wanted it and you had to give them a shot at it. You're going to bring it up, but you knew that you weren't going to get the votes. There were some people who were not going to vote for cloture no matter what. But you just couldn't tell the advocates that such was the case. Sometimes you had to run it up the pole and see what happened. I have a vague sense that before that was even called up we sort of knew what the outcome was going to be, but you had to do it. They were fighting for that for years, and when you had a majority that big in that Congress, if they couldn't get it then, they knew that would be the end. So you gave the proponents a shot at it. But it wasn't something that you could go to people like civil rights, from the standpoint of stopping all the trains until its passage.

RITCHIE: What kind of direction came down from the White House? These were bills that the president wanted passed. Were his people showing up on a regular basis, or were they getting you on the phone saying why isn't this bill on the calendar?

FERRIS: No, I believe I mentioned before that Pauline Moore, who was on our Policy Committee staff, kept an exhaustive list of every piece of legislation, and beside every piece of legislation she had a code as to whether it was mentioned by the president in the State of the Union, in the budget, or anything that could say it had an endorsement by the administration. She started keeping these things in the '50s, under Johnson, and sent them to him as leader every week. She talked on the phone to the committee staffs about when the hearings were scheduled, target dates for mark-ups, forecasting their prospects for reaching

the Senate calendar. Pauline revised it every week. Lyndon Johnson, as Vice President and President, continued to get a copy of that report. So he was informed completely by that one document. He was informed where everything was, and therefore knew where the problems were and what the expectations were. They didn't have to be nagging because they knew where it was, and they could see if there was change, or if it was frozen in place.

Then, when it came out of committee, it went on the calendar, and Mansfield always wanted to keep a clean calendar. He never used the calendar as leverage on other Senators. He didn't hold things back because "I want this guy to come to me and ask." Never. We'd mark up the calendar every day and at the end of the week he'd say, "Give me the calendar," and he'd put crosses through those that we knew were deadwood on the calendar, that were going to stay that way until adjournment. Then he'd say, "What about this?" He put pressure on the committees about getting them done, because he wanted to clear them out. He didn't want them cluttering up the calendar. Lyndon Johnson used to clutter the calendar. He used to keep the bills from being voted on so you had to come to him and ask. Mansfield did not like that sort of thing. His style was just the opposite.

Chairmen did not have to lobby Mansfield, it was more the other way around—Mansfield pushing the chairmen to prepare the floor action. Once a bill was reported from committee, it was just a matter of determining the intensity of the opposition, which Senators wished to oppose the legislation and/or wished to offer amendments. We would work to get that information. Then it was a matter of trading a block of time, whether hours or days, to fit it in the schedule. If there were Senators who were opposed, or had amendments, whether on the committee or not, and didn't want a bill up unless they were prepared, you would have to clear it with their offices to find out when they would be ready. It was a very informal, rolling process that was very inclusive. There was no real steamrolling that took place.

RITCHIE: Up until '64, Hubert Humphrey was the Whip, and Mansfield relied on him on bills like the Civil Rights Act. In '65 Humphrey was vice president and Russell Long became the Whip. What kind of a relationship did Mansfield and Russell Long have?

FERRIS: I think they had a very civil relationship. The thing is, the Whip has no power in the Senate. The only power or duties that he has are those which the Majority Leader gives to him by specific assignment. Russell was kept busy as chairman of the

Finance Committee. He was never around looking for assignments on the floor. The Whip could always volunteer to adjourn the Senate for the day and that could require listening to Wayne Morse talking intensely and endlessly one day on Vietnam and the next on the Corporation Counsel in the District of Columbia fixing tickets. Well, Hubert would always be around because Hubert lived in his office, the Whip's office. Russell Long never really functioned as a Whip in the sense of being there to do some of the administrative, the menial tasks of the leadership. The relationship was cordial but functionally nonexistent, because you have to have a leader who wants to give and a deputy who is seeking to get, and Russell never sought any at all.

RITCHIE: So did Mansfield rely essentially on the chairmen of the committees to be on the floor and manage the bills?

FERRIS: Yes, absolutely. The chairman of the committee or the chairman of the subcommittee or whomever the chairman of the committee designated, it could have been the person who introduced the bill or had an identity with it, but it was always the chairman of the committee who would determine who was going to manage the bill. The ranking member on the other side was the same way. If it was not the chairman of the committee or the subcommittee, it would be someone not on the committee. That is why the Civil Rights and Voting Rights bills were such extraordinary exceptions.

RITCHIE: That Congress was so productive, and Lyndon Johnson always took all the credit for it. But there was Mansfield who had been under attack in '63 for not providing enough leadership and in '65 everything had turned around. How much of that do you think is attributable to Mansfield's style?

FERRIS: I think it's much more attributable to the change in circumstances. It's attributable to Mansfield because Mansfield's interest was in the process that the Senate as a whole has the opportunity to consider and vote on legislation that has been recommended to it by its committees. The Kennedy assumption and the resultant memorialization of the Kennedy/Democratic agenda combined with the overwhelming Democratic majorities in the '64 election and the LBJ energy to establish his legacy combined to create the perfect storm.

The tone of the Senate was created by Mansfield and was an essential ingredient in maintaining a positive climate. You know, Lyndon Johnson was rejected in his desire to

chair the Democratic caucus in 1961, and rejected by some of his stalwarts who were more Senate institutionalists than LBJ had suspected. I think that had an impact on Johnson from the standpoint of how far he could go in pushing Senators. He could do it indirectly, he could do it subtly. But there were changed circumstances. He realized there was an institution before he came and after he left the Senate. Johnson gave a tremendous bully pulpit to all of this legislation because he was a strong advocate of it in his State of the Union and other public statements, and that's very important from the standpoint of people out in the country identifying with it. And from the standpoint of the Senate it was very important to have people out in the country favor it. But the Senate can become logjammed. If anyone wants to stop the process there, it can be stopped. The power of one Senator in the Senate is enormous. A Senator would ask us to put a hold on a bill. We didn't publicize that information, so undue pressure would not be put on them by outside groups. But we also communicated with the Senator who had the hold and we'd tell him other Senators were inquiring about its floor consideration and that he should start preparing for the debate on the floor.

The institution ran as well as it did because of the trust that Mansfield engendered with everyone in that body. It was very hard to accuse Mansfield of being unfair. When he went to someone and said, "the time has come," they knew there was no hidden agenda with him. His actions were transparent. I think that was very essential. He never took credit either, so there was a perceived contrast with Lyndon Johnson in the White House. There was no one with a pulpit that could attract national attention seeking accolades for legislative accomplishments, so it was easy for Johnson to take credit. Mansfield always sought to give others credit, he just wanted to make sure that the Senate worked its will. I don't know how much you attribute one to the other, but it's not as one-sided as it probably was perceived by the general public.

RITCHIE: At the same time, the Vietnam War was starting. Johnson started sending troops in. The Gulf of Tonkin Resolution was '64. The Dominican Republic intervention happened in '65, and in '66 Senator Fulbright was making speeches that were causing trouble with the White House. Was that beginning to cause a ripple effect inside the Democratic Party in the Senate and the enactment of the rest of the program?

FERRIS: Among the Senate Democrats, I don't recall it cutting greater fissures than already existed on domestic policy issues. There was a split that already existed in both

parties of hawks and doves. I think the Vietnam War probably cut down some communication with both the Republican and Democratic hawks. But you know, Mansfield gave a commencement address at Michigan State University in 1962 and came out against putting troops into Vietnam, so they clearly knew Mansfield's position, but he never took the point position on the war. He'd give measured speeches on the floor that were never ad hominem, and he'd send memos to the president on the war that drove Johnson out of his chair. But the country started to engage and get divided on the war, and the kids started to get involved, and college campuses started to erupt, and the Senate, as you would expect, was affected by that change in alignment and intensity.

I can remember that the Policy Committee in '67 unanimously voted on and sent down to Lyndon Johnson a resolution against Vietnam. Dick Russell was not only on the Policy Committee but was ranking on the Armed Service Committee and chairman of the Appropriations Committee, and chairman of the Defense Appropriation subcommittee. I remember one time something Dick Russell said about a ship that the Navy wanted, the FDL, Fast Deployment Landing vehicle. It was a big ship that could carry a battalion of Marines and all their equipment. A proposal was being made, but Dick Russell said in the Policy Committee that he was against it. He said, "If you make it easy for the military to go places and to do things, they'll find reasons to go places and to do things." Beautiful wisdom in that. He was considered to be a big hawk, but he had perspective.

On Vietnam, Russell was against the war. But he fell into the category that believed: "Once the flag is planted, you can't back off." It's sad that he didn't get to Lyndon Johnson personally, one on one. If the flag is planted, you are committed. But he didn't have any real commitment to the cause. And if Dick Russell had gone to Lyndon Johnson in '64 and said, "Don't get involved," or said in '65, "This is a sinkhole." I think it would have had impact, because Johnson used to listen to Dick Russell. Russell was his mentor in the Senate. But President Johnson had [Dean] Rusk, and [Walt] Rostow, and [MacGeorge] Bundy, and [Robert] McNamara, the best and the brightest down there, pumping him the other way. Dick Russell was just someone from Georgia who had been around for a long time. Probably really an isolationist at heart. He could have been discounted as such by Johnson's advisors. But it might have made a difference.

Remember how divisive it became in the country. I think most Senators for different reasons felt this was not a great venture, but we're stuck with it. It's almost like Iraq. We're

there. Presidential candidate John Kerry is not going to come out and say we should cut and run. He's going to have to ultimately make the case that he's a fresh face and he can make a case to the U.N. and to the international community—he might be able to get them to come around and do something. But we're not going to leave. It's so interesting how history repeats itself. The situation in Iraq is so tragic. I went to a funeral a month ago at Arlington Cemetery for one of my partners' dad. He was a World War II veteran. They did the ceremony with full honors. The Honor Guard is a select group. They pick soldiers who are all over 6'1" and handsome; they all seemed nineteen or twenty years old. I turned to my partner and said, "These are the kids who are being killed in Iraq. Look at them, they've got their whole lives ahead of them. These are the people we're sending over there to die." There was only one member of Congress that I know of who had a family member then in the military in Iraq, Tim Johnson from South Dakota. The elected officials had no personal risk. The country as a whole had no personal risk, unlike in Vietnam. The draft should never have been repealed. People are engaged when all young adults are at risk with the draft. It's not just the kids who volunteer who go, the whole country should be at risk. That's how you make good policy. When they know that they're at risk, people focus.

RITCHIE: My sense from looking at the Congress in 1965 was that most of the Senators were more focused on the social legislation.

FERRIS: Absolutely. Vietnam was not yet a big issue. When did the first combat troops go in there?

RITCHIE: February and March of 1965.

FERRIS: It was after Johnson's 1964 election that the combat troops went in. And the election gave him a mandate. He had tremendous power to do whatever he wanted. You listen to some of the tapes and Lyndon Johnson really wanted to get out of there. He didn't know how to get out of there. He was trapped. At least he considered himself trapped. There probably wasn't a good way of getting out. We had to lose the war. And only George Aiken had a proposal on how to end our involvement: Declare victory and leave.

RITCHIE: One of the people who was telling him not to go in, from the start, was Mansfield, who was consistent in giving that advice to Kennedy and to Johnson.

FERRIS: Oh, yes.

RITCHIE: Would it be safe to say that that was Mansfield's primary concern in '65, foreign policy issues?

FERRIS: That's where he put his energy. I had a hobby while working in the Senate. I tried to find out every Senator's real interests. They all had their committee assignments, which in many cases reflected their constituents' needs, and their state's needs. And most of their time was taken up in hearings and on the floor on these responsibilities. I used to try and detect what attracted them with the little discretionary time they had left. I tried to discern each Senator's personal passions. Where were they putting their discretionary time? Mansfield's was certainly on Vietnam and foreign policy. When he had extra time, that's where his thoughts were. He studied East Asian history and later taught it at the University of Montana, so it's understandable. Yes, I would say that more than anything else.

RITCHIE: I wondered if you would also at this time talk a little bit about the Kennedy brothers who were both Senators from '65 to '68. You had that contact with them after you came up to the Hill. What kind of Senator was Robert Kennedy?

FERRIS: I thought he was a great Senator. He was so able. He had a great perspective. He had been the top advisor to the president, even in addition to his responsibilities as Attorney General, so he had the broadest of perspectives on issues, and had a tremendous sense of commitment on social issues. He and Ted approached problems entirely differently. David Burke was the legislative assistant to Ted Kennedy. I think John Culver was his administrative assistant until John ran for Congress in '64, and Dave became his top guy. On every issue, Dave would know a full range of outside specialists and he would contact every one of those specialists for their views, and bring them in to talk to Ted. Ultimately Ted would come up with his position. It was a very good way to educate yourself, by listening. Ted was young and didn't have the same experience that his brother had when he came to the Senate.

Robert Kennedy was very different. He used to think an issue through with his staff and then he would select the person whose judgment in the area he respected most and would test what his tentative conclusions were on that person. He would test it and that was the end of it. Okay, I go. He was one who had tremendous confidence in his own judgment.

He had a national awareness—much more aware than most freshman Senators who came to the Senate who were at best expert primarily on the intricacies of their states. I can remember one issue, it might have been on a jobs program or minimum wage or something covering the working poor. The vote was taken on some amendment, and the vote came out a tie. The amendment was to reduce the bill's coverage. Everett Dirksen had voted for the amendment, but as a tie it didn't pass, it was defeated. Senator Win Prouty didn't make the vote but they thought that he was on his way to the Capitol. So Everett Dirksen moved to reconsider the vote. We didn't want it reconsidered, because Win Prouty would then be able to change the outcome. Mansfield was there and Pastore was there, and I said [whisper] "Point of order, he's not eligible to make a reconsideration," because you have to be on the prevailing side to move to reconsider a bill. Pastore, who was just a pistol, didn't even know the reasons but he said, "Point of order," and I whispered to him what the reason was. And of course they ruled Dirksen out of order. The action stood. About five minutes later Robert Kennedy came down to the well and said, "Charlie, great work, that saved coverage for 250,000 people." He had observed the whole thing from the rear of the chamber, despite all the clutter in the well. That's a good day's work when you accomplish something like that, but it is more remarkable that a freshman Senator would be so alert to discern what was going on in the well of the chamber.

I can remember another personal involvement with Robert Kennedy, when the constitutional amendment was being considered for presidential succession. Birch Bayh was the floor manager of that bill, and there was a question as to who made the determination when a president was incapacitated. And who made the determination that the president's capacity was restored? I don't recall the details, whether a majority of the cabinet or other similar group. It was that process of activating a group with power to replace and restore the presidential power that created a gray area. Birch Bayh didn't want any modification. Bob Kennedy came over to the floor with Adam Walinsky, and Peter Edelman, both of whom had worked on a speech to address this issue. Senator Kennedy came to the well and asked, "Charlie, can you come off the floor?" We went into the outer office of the Secretary of the Senate, on the couch. He said, "Read this speech." It was about seven pages, so I'm sitting there reading this speech. They're all standing there, the people who had worked on the speech and the Senator. I'm reading it the way you should read something you've been asked to read. It took me at least five to seven minutes to go through this. It was a beautifully written speech. He was weighing in on the notion of when the cabinet group would be activated to assess whether the presidential powers should be transferred because of

incapacitation, when the president is not part of the decision making group. It was addressing the possibility of a coup.

He said to me, “What do you think of this?” I said, “I think this is fantastic, but I don’t think you’re the one that should be giving it.” He said, “Well, who should?” I said, “Call Phil Hart and call John Pastore.” John Pastore was the debating king and Phil Hart was the conscience. “Call them and see if they would agree to make these points on the Senate floor.” He picked up the phone and called them both, they both came over to the floor. They both immediately agreed that the points were valid and important, and both Pastore and Hart weighed in strongly. Bobby just sat up in the back and did nothing. He had this beautifully written speech, but he had decided that I would probably be a good sounding board on Senate floor dynamics and probably I reinforced his judgment on how best to address this issue. He obviously had questions on his mind. Detractors were always saying that Bob Kennedy was power hungry and always thought in these terms, but I always regarded him as decisive. He’d make up his mind and then test his initial judgment, and then act. He wouldn’t tell you his judgment first, but you knew he had thought it through and at least had a tentative judgment. So it was a contrast with Ted. It’s because Ted was not at that time nearly as mature from the standpoint of evaluating public policy issues as was Bob.

RITCHIE: Ted Kennedy seemed a lot more comfortable with the Senate as an institution. As a junior Senator he was very deferential to senior Senators and the chairmen of the committees. He was willing to bide his time. Robert Kennedy came in and was in more of a hurry and not as institutionally oriented.

FERRIS: Robert Kennedy didn’t have the temperament for the Senate. He didn’t have the patience for the Senate. He was an executive branch person. Give him a job and he was going to get it done. You don’t have that up in the Senate. You have to wait and have patience, the gestation period on big ideas is long. You have to have a long time line. Teddy went up there when he was twenty-nine. I never thought Teddy ever wanted to run for president. The mantle was passed to him and the people who were in Bobby’s campaign and Jack’s campaign had this feeling that he had to run, and he did because he had tremendous reverence for his brother, great deference for his brothers, before and after they were assassinated, and he responded, in my opinion, to that sense of obligation rather than a burning passion from within to serve in that office. But I personally don’t think he wanted to be president of the United States, at least not when he made his run.

You look at Ted Kennedy, and the last glimmer of that presidential opportunity ran its course in 1980 in the challenge to Carter, and that was the end of it. Ted Kennedy for the last twenty-five years has been the most effective Senator in the United States Senate. Mike Mansfield said after his retirement from public service that Ted had developed into the greatest Senator he ever served with in the Senate, and Mansfield served with some rather great Senators. He thought Ted was the most effective. Ted has marvelous staff, but he works with them on every issue. He never seems to run out of energy. He's got tremendous energy and never turns it off, and combines it with an enormous empathy for the disadvantaged.

If Jack Kennedy had not been assassinated, and Bob had lived, Ted Kennedy would have stayed in the Senate. Bob might have run after Jack. Bob had the temperament for president, more so than did Ted. The Senate was the perfect environment for Ted. He would have been like the old Southern Senators. This was the pinnacle, and he had the time. He was going to become a Senate man. The assassinations interrupted all of that for Ted and he obviously was distracted and deferred from his tremendous calling as the Senate's most effective Senator.

RITCHIE: There were a number of Senators who, once they got the presidential monkey off their back, came back and were good Senators. Hubert Humphrey came back to the Senate. Barry Goldwater came back to the Senate. There were others who, after they ran for president, lost interest and left, like Eugene McCarthy.

FERRIS: Hubert was a Senator all his life. He was fighting causes all his life. I don't think Barry Goldwater was greatly engaged before he ran or after he came back. On military policy he was pretty well engaged, but I don't remember him being very engaged in anything else. I wasn't a great student of his so I can't really comment. I was only up there for eight months before he ran, so I didn't see what he was before and what he was after for comparison's sake.

I just remember that John Tower used to tell him how to vote in '64. John Tower was his chief advisor on votes in the Senate during the '64 campaign. Goldwater, when he was running for president, wasn't following the debate, and John Tower was. John Tower was very smart. He was a teacher, in economics or political science, and he was always well versed. He used to tell Goldwater how to vote on floor amendments during the '64

campaign. I was told once that Tower used to be a very liberal political science professor when he was teaching but he married into a wealthy family and he drifted rapidly to become very conservative, or maybe he had to get elected. He was so feisty. He'd come to the floor, and give a speech, vote, and then he'd give you a little wink. He'd have a little twinkle in his eye that said, "Everyone does what they have to do, and I'm playing my role."

The thing I liked about him, if you go back into the annual Congressional Directories that contained their biographies, he always included that "John Tower was a seaman second class in the United States Navy." He used to publish that where everyone else had all their honorary degrees. It was like Senator Pat McNamara of Michigan who put in the annual directories that he was a graduate of the Pipefitters School from the Quincy Shipyard. I always admired people so lacking in pretense.

RITCHIE: And Mike Mansfield from the School of Mines in Butte, Montana.

FERRIS: That's right, the School of Mines. He was absolutely without pretense.

RITCHIE: This is probably a good breaking point, but I'd like to talk next time about the '66 and '68 campaigns, the Vietnam War and the Nixon administration. This has been a good introduction to that whole time period.

FERRIS: Sure, you're making me recall an awful lot of things that I haven't thought on for years.

RITCHIE: Also I enjoyed your observations about the Kennedys and would like to ask about some of the other Senators from that era. I came to the Senate at the very end of that era, in 1976, just as many of those people were leaving, but I got a chance to work with a few of them at the end of their careers. It was an interesting time.

FERRIS: They were the best and the brightest in the country in my opinion. The South always sent their best. The three great professions in the South were medicine, journalism, and politics. You went into politics, you were part of the elite. In Boston, where I grew up, politicians who didn't represent your district were just perceived as scoundrels. It was law, medicine, and priesthood up there. Journalism wasn't as honored a profession in Boston, but it was a great tradition in the South, and politics was also a great tradition in

the South. Those that came to the Senate from the South were the best and the brightest. If there is an aristocracy in this meritocracy, the South sent their best.

I loved Lister Hill as a human being. He did not run in 1968 when he was up for reelection. I asked him after he announced his decision, "Senator, I was very saddened by your announcement that you're not going to run for reelection." He said to me, "I wouldn't make a deal with that little dictator." George Wallace was the governor. Boy, talk about pillars of integrity. He gave up his seat in the Senate because no one was going to own him. You remember people like that. They meant something and you hope their examples added something to your own character.

End of the Third Interview

THE COST OF VIETNAM

Interview #4

Tuesday, May 11, 2004

RITCHIE: It's interesting to me, looking at the list of how much legislation passed in 1965 and 1966, and then there's less and less in '67, '68, '69, '70. There were controversial measures, but not as many major bills were enacted.

FERRIS: A great deal of that in my mind was Vietnam, the cost of its divisiveness and its distraction. The balloon of unlimited resources had burst; we had to make choices between guns and butter. The war was sucking up resources and it forced the Senate to prioritize. Whereas in '64, '65, and early '66, this sea change in perception had not yet been absorbed into the tissue of the Senate. But so much was accomplished before this change.

The Elementary and Secondary School Act was a tremendous breakthrough. That first bill was \$1.2 billion, which was a lot of money then. I think our whole federal budget was less than \$100 billion. I remember Johnson always tried to keep it under \$100 billion. He didn't want to be the first to break the \$100 billion ceiling. Can you imagine that! Our annual deficit today is five times what our budget was back then. Of course, this was before the unified budget.

I remember that Wayne Morse was the chairman of the education subcommittee and, of course, he was a tremendous advocate for education. The issue then was really whether the federal government should be involved in such local decisions. The states didn't have control over those decisions; it was the local board of education and elected local officials. Should the federal government get into that? The debate was framed in those terms. It was not that schools and kids didn't need help, but how it was going to be done. Then there was also the delicate issue of the eligibility of aid to private schools that still exists to this day. The debates were fascinating between Allen Ellender and Wayne Morse. Ellender was a big advocate of aid to elementary and secondary education, but he was very concerned about private and parochial schools. I think the bill finessed that. Private schools and parochial schools could not get aid, but the students there could get aid. They could provide services to those students who could come over and have classes, so they bridged that issue.

The alignment on all these issues was bipartisan. The majority bipartisan consensus on this and most bills was formed relatively quickly. Both sides on all the issues actually listened to the opposition and accommodation was attempted without significant dilution of the bill. It is such a contrast to what takes place in the Congress today. In the House especially, some committees don't even let members of the minority party into the conference committees. They just ram things through, and the Rules Committee does not even give the minority members the right to offer amendments to bills or they select which amendments the minority might offer, although in the House, I remember Wilbur Mills would get a closed rule on tax bills to prevent amendments. Back in the '60s, the Senate Democrats had such overwhelming majorities that they didn't have to act that way. It might have felt that way to the ultraconservative who didn't agree with any of this Great Society legislation. They might have felt that their voice was not being listened to. It was, but it was being outvoted. But legislation was passed by overwhelming majorities in both houses of the Congress, and certainly with every opportunity to offer amendments and for full ventilation by the minority. That is not the case today.

Look at the legislation that went through that Congress. Any two of those bills would have been a tremendous achievement for any other Congress and they were being passed like they were on the consent calendar. But you know, there was really a sense of great achievement. Everyone knew the significance of what was being done. Some of the legislation had been in gestation since the time of FDR's New Deal or Truman's Fair Deal. They were very exciting times. These were enacted by the Perfect Storm.

RITCHIE: A lot of the legislation that came out then—housing, anti-poverty bills, and all the rest—dealt with the issue of race and class in America. At the same time, there were major urban riots in the mid to late '60s. Did that have a dampening effect on some of the push for reform legislation?

FERRIS: I don't think it had a dampening effect on the legislative efforts. It caused a great deal of concern. It almost was something that should have been expected. I have always felt that the greatest Americans are the black Americans. If I were born black and was subjected to what they had been subjected to their entire lives, I would have been a revolutionary. With the passage of the Civil Rights bill of '64 and then the Voting Rights Act of '65, they began to see a little daylight in their lives, some measure of control, some relief to the despair that had been a part of their lives for so long. So they began to flex their

muscles. They were dissatisfied with the restrictions in where they must live, and the jobs that were available to them.

No, it wasn't something that changed the dynamics. I think a lot of people were scared of what was going to happen, justifiably so, and wondered what could be done. The Housing Act of '68 was passed after Watts, after Martin Luther King was assassinated and the resultant Washington, D.C. riots. I don't recall a sense that the freedom granted by legislation was a mistake but it facilitated the genie getting out of the bottle. The genie was out, and justifiably so. I don't recall a sense of "We have to do less." It brought home to more and more people what the plight had been and that what we were attempting was long overdue. The legislation removed the institutional barriers of segregation but to change the hearts and minds of all Americans would take generations. It is taking generations to seep in.

You can pass laws and you can desegregate, but all that does is remove legal barriers. You can't change how people feel and how they think. That comes from the home, the school—it is a generational process. You just have to live through that. I thought the whole notion of busing that occurred in the '70s in Boston, my home town, posed, as an example, the question: Do you use the schools as an instrument of social policy? Well, the schools are a big factor in social policy. And what resulted in all black and all white schools was not segregation by law but de facto segregation. Housing segregation existed and was the cause of the demographics of the school populations. Busing was an effort to integrate the schools—not desegregate them, and there is a difference between the two concepts. But some of the remedies were useless to accomplish either the integration of schools or the desegregation of local communities, and certainly didn't improve the education of the children involved.

In Boston they took kids from the North Dorchester and Roxbury neighborhoods and bused them to South Boston High School. Now, South Boston High School back then probably had one graduate each year who went on to college. The black children weren't getting a better education by attending South Boston High. If we had bused the black children out to Newton, in the suburbs, they would have had a significantly improved educational experience. The educational experience of Boston busing—and it was a significant experience—was teaching the South Boston children that they could attend school with black children. That is a very important element of education. But doing it in South

Boston first only permitted demagogues to influence the latent racism that existed. It was a policy that said, “you’re going to have to learn to live with this, South Boston,” which was an essential long-term goal, rather than improving the education of blacks in Roxbury.

Our primary and secondary public schools are funded primarily through property taxes in that local jurisdiction. The poorer neighborhoods had property assessments for less than the suburbs. The courts didn’t have as a possible remedy busing children from the inner city to the richer suburbs. If the state funded all the schools in the state, such a remedy would have been effective.

RITCHIE: You mentioned that the war was draining resources and Congress had to make choices between guns and butter. Did that also increase temperatures among Senators? You had so many hawks and doves within the Democratic Party, it must have been getting harder to hold Conferences and do things on a unified basis.

FERRIS: Back then there was an overriding civility in the Senate. Every Senator openly received respect from their colleagues, regardless of their opinion on an issue. I can remember Bill Fulbright and Dick Russell side by side in the Policy Committee. They were diametrically opposed on the war and defense spending but that didn’t mean they didn’t work with each other. Today it is very different. Every Senator has a litmus test that determines whether another Senator is someone to be dealt with or not. The House is even more divisive.

The Senate still operates somewhat differently than the way we see the House operating today. That’s because the rules of the Senate give more leverage to an individual Senator and that individual leverage translates into more horizontal civility. I don’t know if there is still reverence for the institution of the Senate. It seems at times that it has dissipated completely. Back then, the Senate as an institution was revered the same way people revered the office of the presidency. No one member was larger than the Senate as an institution. You never did anything that would bring disrespect on the Senate. That was the great sin. It was the perfect example of the whole being greater than the sum of the parts.

RITCHIE: In ‘67 and ‘68 you had two Senators who challenged President Johnson for the Democratic nomination. First Eugene McCarthy and then Robert Kennedy, before Johnson withdrew. Did having those two Senators running have any effect on the workings

of the Senate?

FERRIS: I don't think so. Neither Robert Kennedy nor Eugene McCarthy were pillars of institutional power in the Senate from the standpoint of controlling legislation as chairs of major committees. Each had strong national constituencies that gave their voices great respect on the issues. Robert Kennedy was not only the prime custodian of the JFK legacy but was driven by an inner commitment to change society for the better.

As more and more Senators spoke out against the war there was probably a much greater reaction by President Johnson at the White House. I don't recall a change in the decorum of the Senate. I think there was great tolerance of Senators having different views on the issue. Even though they disagreed, they were much more tolerant of differing views. But the White House certainly put people on "do not invite" lists because of the war.

RITCHIE: There's a new biography of Senator McCarthy out now [Dominic Sandbrook, *Eugene McCarthy: The Rise and Fall of Postwar American Liberalism* (New York : Alfred A. Knopf, 2004)] that paints him as very detached and not as you say a pillar in the Senate. Did he have much impact in the Senate before he ran for president?

FERRIS: No, he was always a delightful dilettante. He was always there with a funny story, usually with a bite—sometimes a funny story about another Senator. It was good humor because there was a lot of truth at the core, like all humor. He was on the Finance Committee, whose members always had leverage. Finance and Appropriations were where you could actually do something for another Senator. I remember Robert Kennedy privately talking about the apparent irony of Gene McCarthy's reputation as a "purer-than-thou" idealist. He said, "You know, when Jack Kennedy was in the White House, if they wanted a special interest to be taken care of, some corporation or some person, and you wanted to get it done, Gene McCarthy was the member on the Finance Committee that you'd send them to." He'd get it done. The corporate executive would go up and see Gene and Gene would take care of it. I don't know if that's disparaging or not, but I think it said more about the cynicism of Gene McCarthy about the Senate as an institution than it did about his personal character. I think his personal character was unimpeachable.

He came in 1958, and I think the nomination of John F. Kennedy in 1960 was a severe blow to him. The line that's always attributed to him was that he was smarter than

Adlai Stevenson, he was more Catholic than Jack Kennedy, and he was more liberal than Hubert Humphrey. He thought he should have been the first Catholic president. After 1960, many noticed a change in Gene McCarthy, because he thought his last chance had passed. I don't know if that's true or not because I wasn't there between 1958 and 1960, but you wouldn't have seen too much in a freshman Senator anyway. People who knew him thought that he became increasingly cynical after JFK's election.

RITCHIE: There are an awful lot of U.S. Senators who think that someday they should be president.

FERRIS: They *all* think that! That's why when they address the presiding officer as "Mr. President," when they're trying to get recognition, you always see heads turning in the chamber even though they're not the presiding officer. They all love that title, except for the Southerners, who knew then that they didn't have that available option.

RITCHIE: Do you think that affected Senators' behavior when they were on a trajectory aiming toward the White House?

FERRIS: Oh, sure. They got involved in a range of issues well beyond their committee jurisdiction, and what the constituencies of their states would require. They became more active in and outside the Senate. They spoke to more groups. That's what you have to do to make yourself known and make your views known to a wider spectrum of people. It probably started right after a president was elected, four years before the next election. It was not immediately noticeable. You didn't see too much until the season started, and the season didn't start then until the fall of the year before the primary elections. From the standpoint of the Senate, Senators would be offering or speaking out on amendments to bills on which they hadn't traditionally shown an interest. They were not necessarily changing their position on issues, but they made sure that their names were associated with the issues that came up.

RITCHIE: Did you get any sense of Senators trying to use the Policy Committee to promote their candidacy?

FERRIS: No, I don't recall any of that. Ed Muskie was on the Policy Committee, but he never used it that way. Stuart Symington was on the Policy Committee, but his time

had passed. I'm trying to think of who else on the Policy Committee made a run for president other than Muskie. Harold Hughes was on it, and he had that twinkle in his eye for a short time. He was always a very quiet and passive member of the Policy Committee. I think to a great extent it was because Mansfield chaired the meetings. He didn't run an autocratic system, but he set a tone in meetings that he conducted, whether it was in the caucus or in the Policy Committee or on the floor, that almost inhibited other Senators from blatantly putting forth their political agendas.

Someone once tried to categorize the ideology of Charles De Gaulle, whether he was a rightist or a socialist, and a Frenchman said, "Charles De Gaulle is neither left nor right. He is above." Mansfield almost was treated that way. He wasn't perceived as an ideologue in any way and so his sense of fairness was never questioned, because he treated people that way. In meetings that Mansfield conducted, he was seldom under attack. When Tom Dodd gave that speech in 1963, he was really pining for Lyndon Johnson. Some people thought the legislative process should be worked out behind the scenes rather than in an open forum. Senator Dodd's frustration with the legislative performance was probably justified to a great extent. The White House wasn't terribly aggressive, or maybe they were more realistic about what could be done. It wasn't until after the assassination that so many things happened. An awful lot of the legislation passed in '64 was a memorial to Kennedy as much as it was attributable to Lyndon Johnson's tremendous legislative understanding and ability to gauge the possibilities of getting bills through and working the levers to make sure they got through.

RITCHIE: Well, for all the Democrats who ran in '68, Johnson, McCarthy, Kennedy, Humphrey, it was a Republican who won the election. For the first time since you had been there you had a Republican administration. Did that change Mansfield's role and the Policy Committee's role, to have a president of the opposite party?

FERRIS: Sure. He and the Speaker of the House were called upon to comment daily on positions that were taken by the administration. Therefore, it did have an impact. The Congress was still controlled by the Democrats in both houses. Some of the most progressive legislation was passed during Nixon's term. If you blindfolded yourself you would think that Lyndon Johnson was still in office. There were the clean water and clean air bills. The EPA [Environmental Protection Agency] was established. That was a great achievement. How did that happen? Maybe it was just an idea whose time had come. But

the dynamic had changed with a Republican president in the White House.

One presidential candidate that we didn't mention was Fred Harris. He was a very able person. Fred Harris ran in 1972. He and [Walter] Mondale co-managed Hubert Humphrey's campaign in '68. Fred Harris and Bob Kennedy were close friends. I remember that Bob Kennedy was disappointed when Fred Harris was announced as co-chair of the Humphrey nominating campaign in '68. He said he knew that Fred had to do this because he was interested in national politics and running a national campaign was an excellent way—Robert Kennedy did that in '56 as well as in '60—however he was disappointed to learn about it in the papers. Fred Harris didn't make that phone call. There are certain little rituals one should do, and this was one of them. I think Fred Harris after the '68 presidential election practically picked up Bobby's mantle of issues, which amounted to a death spiral in Oklahoma politics. In '69 and '70 Fred Harris became one of the most vocally liberal and cause advocates in the U.S. Senate. I have always associated his unintentional snub of his personal friendship with Bob Kennedy by failing to make that phone call as a factor in Fred Harris' political agenda after RFK's assassination.

I remember one anecdote Fred Harris told me—I liked him, and I liked his wife LaDonna—he said, “I thought that I was ready to run for the presidency, and I thought I knew this country, but I didn't realize how much I learned by going around campaigning and learning about what this country was about, and how complex it was, and how little I knew until I ran for the presidency.” I always remember that from the standpoint of people who say, “I wish we could have a thirty-day campaign.” That's naive. You want candidates to get out and listen. With all the electronic media and the science of political polling, I don't know if presidential candidates still realized that they have to get out and listen, have to go out and campaign and do the retail politics that you do in Iowa and New Hampshire, where you have to listen and learn. Fred Harris said that was how you educate the man so he's competent when he takes office to actually understand the intricacies, and the complexities, and the diversities, of the country. Fred Harris was very smart. I thought that in the short time that he ran—he got eliminated pretty early—he had learned the most profound but simple lesson of the successful national leader.

RITCHIE: I should have asked you about Robert Kennedy's run for the presidency: do you think he really had a chance of getting the nomination in 1968?

FERRIS: I actually think yes. I loved Hubert Humphrey, and if Lyndon Johnson had not treated him the way he did during that fall of 1968, he would have been elected. There's no doubt in my mind. But I think Robert Kennedy had the grassroots. He would have gone on a truth-squad mission following Hubert Humphrey all around from California right up to convention time, having virtual debates on the issues. He had the charisma. He had that tremendous allegiance of the JFK constituency, and poor Hubert had Lyndon Johnson around his neck.

I remember at the '64 convention in Atlantic City when they played that USIA film, "Days of Lightening." (This was a film made by the USIA for distribution around the world on the JFK legacy. By statute a USIA work product could not be shown domestically. That prohibition was waived for this film. It was a powerful and moving film.) I was on the floor when it was shown, and I suspect there was hardly a dry eye in the place. That whole convention would have nominated Robert Kennedy for vice president by acclamation if a vote could have been taken after the showing of that movie. I think Lyndon Johnson knew that. The movie was played after the nomination was decided. But Lyndon Johnson knew that timing was very critical. There was that feeling about Robert Kennedy and the Kennedy legacy, the aura of Camelot. The perception of it was very strong and positive, and really the more important part of politics is perception.

In 1968 when Robert Kennedy sought the presidential nomination, I just think that his determination and his alignment with the prevailing views on the war would have brought him election success. It would have been very interesting. I don't know how the convention in Chicago would have changed but if he had lived, the energies that exploded there might have been channeled for a positive goal. What would Mayor [Richard] Daley have done? Daley and the Kennedys were so close going way back. Would the crowds in the street have been as angry if they had someone like Robert Kennedy as a champion. Hubert wasn't able to champion their cause for change because of Lyndon Johnson. I don't know.

RITCHIE: Were you at the '68 convention?

FERRIS: I didn't go to it. I liked Robert Kennedy, and he asked me after he announced that he would seek the nomination whether I would come with him on the campaign. I told him that I didn't want to leave Mansfield, but I said, "I'll check to see if I can get a leave of absence." Mansfield was on some trip to Mexico, to an Interparliamentary

Conference, and then Johnson got out of the race, so I thought: what can I do for Bob Kennedy? I don't know what I could have done, anyway. Bob thought I had good judgment. But I was a generalist up there, I didn't have a policy specialty in anything. But when the candidate himself says he'd like you to come with him on his campaign, you don't dismiss it summarily. Working for Mansfield was so important to me. Mike Mansfield gave me the opportunity to work on and hopefully bear some positive impact on some of the greatest social legislation of the twentieth century. To abandon that opportunity would have been very hard. I was very conflicted. Hubert Humphrey was as well a dear friend to me. He took me into his confidence during the '64 Civil Rights bill, which I consider along with the Voting Rights Act of '65 the most significant time of my life. It was another dimension of my personal conflict. Going with Bob Kennedy would have been a slight to the gratitude I maintain to this day to Hubert Humphrey. It wouldn't have registered on HHH's radar screen, but it certainly would loom big in my conscience.

Like everyone else I was very affected by Bob Kennedy's assassination. He and I had a private and mutually respectful friendship. He paid me an extraordinary compliment after I had given him some advice on some small matter. He said, "Charlie, you have the best judgment of anyone in Washington." I was young and impressionable, but Bob Kennedy's remark meant a great deal to me.

My dad had a massive heart attack in '65. He recovered and had two more great years of life, but then his heart gradually weakened. I used to go up to Boston some weekends to visit him. Bob Kennedy offered me a ride on the Caroline one summertime weekend when they were going up to Hyannis Port. We arrived in Hyannis Port and got off the plane. I was arranging to hire a car and drive back to Boston. Bob said, "If you're going back to Boston, you don't need a car." He told the pilot, "Take Charlie up to Boston." The pilot was so mad! [laughs] He had to fly me to Logan Airport in Boston. But Bob was very aware and thoughtful that way.

My dad died in August 1967. My mother called me early that morning. I immediately got in my car to drive up to Boston. My brother came up from New York, and my older brother was over in Europe, traveling with his family. Shortly after I got in the house, the phone rang. It was Angie [Novello], Bob's secretary. I answered the phone, and she said, "Charlie, I'm very sorry to hear what happened." Apparently, Bob Kennedy came on the Senate floor and was looking for me. Dan Leach, who was my associate, said, "His

father died early this morning and he's gone to Boston." Bob got on the phone and spoke to me, and then he said, "I want to talk to your mother." My mother got on the phone, and in Dorchester, Saint Mark's parish, the Kennedy family was a big deal. It was thoughtful and extraordinarily gracious for him to do something like that. Those qualities are very, very good in a person and a president.

My father had a 10:00 a.m. funeral mass on Monday morning at Saint Mark's in Dorchester. Both Bob and Ted Kennedy were at the mass. They flew up from Hyannis Port and came to Dorchester for the funeral. In Dorchester, having two Kennedys in church was a momentous event. They talked about it for years. My mother died twenty years later and the undertaker said then, "Oh, yes, your father had both Kennedys at his funeral." It was still a memorable event. As we assembled in the family car behind the hearse, to begin our journey to the graveyard, Bob and Ted both came over to our car and each individually spoke to my mother. What a great thing to do. It paid such great respect to the memory of my father and gave public significance to his life. It lifted my mother's spirits and was a cherished memory for the remainder of her life. It was very special.

I didn't go to the 1968 convention. I lost my enthusiasm for politics. I know to a great degree I identified with my boss, Mike Mansfield, and he was so vehemently opposed to our deepening policy in Vietnam. Lyndon Johnson was the symbol of the failed policy in Southeast Asia. I couldn't mask my feelings then like Mansfield could. So I didn't go to that convention. I'm glad it was the one I missed. I haven't missed one since.

RITCHIE: Following on to that, after Hubert Humphrey lost the race for president, he won Eugene McCarthy's seat in 1970. I understand it was not an easy return for him into the Senate.

FERRIS: No, he had been the Whip in the Senate and a power in the Senate and then came back. I don't know if he had expectations that he was going to have a special entry, but the Senate doesn't work that way. The Steering Committee still makes committee assignments and you have to have that group to deal with. I think Hubert was probably very disappointed with the committee assignments he got. He had been on Appropriations and Foreign Relations before, but he went on Agriculture and Government Operations when he came back. He wanted Foreign Relations, but I don't know what kept him off. I didn't participate in the Steering Committee, so I don't know who was against him. Hubert was

disappointed, but I think he would have been disappointed in anything because he had been Hubert Humphrey the consummate Senator, a title he earned. But when he came back, he came back as a freshman. That's unfair. It's too bad that the caucus didn't on their initiative do something. Maybe Hubert shouldn't have had to organize the dominos himself, maybe it should have been organized for him. I don't think he ever really got the traction in the Senate that he had before.

RITCHIE: By the time he died, he was quite popular again, but he had to re-earn that.

FERRIS: Oh, yes, he was very popular. You couldn't dislike Hubert Humphrey. I don't care what your views were, he didn't have a mean bone in his body. He didn't hold grudges. Most Senators, they remember. I remember a vote once when Allen Ellender was floor managing a bill. It might have been an appropriations bill. Senator Joe Clark offered an amendment. There used to be a ritual; the floor manager of the bill would state on the floor, "I'll take that amendment to conference." There would be a voice vote. The ritual entailed an understanding by the proponent and the floor manager that the amendment would not survive the conference with the House. In effect, it meant that the amendment was going to fall from the bill before it left the Senate floor. Ellender told Joe Clark, "I'll take that amendment to conference." Joe Clark said, "I want a record vote." Allen Ellender was furious that he wanted to record vote. I think Joe Clark only got about five votes. We used to keep the running vote at the desk in the well so we'd know what the vote was as it was in progress. We followed that procedure even on one-sided votes. After the chair announced the result of the vote on the Clark amendment, Allen Ellender said, "Give me the list of the five." To him, hey, "Those five are going against me." But Hubert Humphrey was not that way. Hubert Humphrey didn't keep a list of those who voted against him on amendments.

RITCHIE: Another Senator who was an active presidential candidate through much of this period was George McGovern. He got into the race briefly in '68 and then became the Democratic candidate in 1972. What was your impression of McGovern as a Senator?

FERRIS: He was extraordinarily decent, articulate, and intellectually honest. The war was a consuming issue for him. He didn't use it as a vehicle to further his ambition. There was a dimension to his opposition that was more than what was from the mind and the heart. I knew then that he had been a bomber pilot in World War II, but I didn't know the

extent of his wartime experiences. Ambrose's book [Stephen E. Ambrose, *The Wild Blue: The Men and Boys Who Flew the B-24s Over Germany* (New York: Simon & Schuster, 2001)] details that George McGovern was a real hero in World War II.

McGovern had a quiet demeanor and even though he came in '62, and was there in his second term, never seemed to get to where he had a lever of power by virtue of the committees he sat on. I'm sure he must have been on Agriculture, because that was so important to South Dakota, and he ran the Food for Peace program during the Kennedy administration, but I don't recall his other major committees. I thought he was a person that you'd really like to be with because he was a person that you could trust. But I don't remember a great impact that he had on any issue. I remember other people but I don't seem to recall George McGovern as the point person on an issue. Do you remember what committees that he was on and what legislation that he championed?

RITCHIE: He was very interested in hunger as an issue.

FERRIS: Yes, and he continued that afterwards. He went to Rome for the UN Food for Peace program. He was doing that before he ran for the Senate, wasn't he?

RITCHIE: Yes, in the Kennedy administration.

FERRIS: So he always had that issue. He was very empathetic, and that's a good indication of a person's values.

RITCHIE: When he ran for president he gave the impression of being pretty far to the left, although as a Senator he seemed to be more in the mainstream.

FERRIS: He was in the mainstream. I think that his being so far to the left was a Neanderthal perception. The Nixon machine was very effective, the most effective one prior to the present administration. Talk about defining your opponent, they defined McGovern as a peacenik and a bleeding heart liberal. George McGovern never was able to define himself. It was unfortunate because he was really the caliber of person who would have made a great president. He had all the right instincts and he was smart. Of all the people that I've know that have run, he would certainly be in the top percentile of the group. But he never had a chance.

RITCHIE: Continuing on personalities, in 1969, after Nixon's election, Everett Dirksen died and Hugh Scott became the Republican leader. Did Dirksen's death change the equation largely in the Senate? He and Mansfield had worked together closely.

FERRIS: Mansfield and Dirksen did work closely together—it was really a great relationship. And Mansfield developed a very good one with Hugh Scott. If the dynamic changed, it was probably due as much to Hugh Scott's communication with his own caucus as it was communication with Mansfield and the Democrats. I think he really had to establish himself as the leader that his caucus would follow, as Dirksen had. Dirksen was, I always said, a great reader. All great legislative leaders are great readers. They read the group well. Dirksen knew where his majority was intuitively, and I think Scott had to learn that. Every leader has to learn that.

Mansfield and Scott went to China together. The thing about Scott—I always say that anyone who was chair of the national committee, whether the Republican National Committee or the Democratic National Committee, that experience scars that person for life. It scarred Fred Harris when he was in it. It scarred Scoop Jackson. I think it scarred Hugh Scott as it did Bob Dole. It's very difficult for the chairman of a national party to get heard by the press and therefore they have to twist their five seconds into something that's quite biting and strongly partisan to get any attention. After that experience, they are never able to completely abandon that rhetorical experience. Hugh Scott had that experience. He probably had to learn to deal with a leader like Mansfield who was never going to take partisan advantage of someone else, and he did learn. I think their relationship was very trusting and a good working relationship.

RITCHIE: You mentioned that Scott had to establish his own position in his own caucus, because he was more in the political center than his conservative colleagues. Could he deliver the votes the same way that Dirksen did?

FERRIS: I don't recall having a great fight whereby the two leaders were communicating on getting enough votes to pass something like the Civil Rights bill. On our vote counts we would have a colleague on the other side who was doing a vote count, whether he was the Whip or not. Allan Cranston used to do vote counts on everything. He used to love to be a de facto Whip, and his vote counts were good. But Dirksen had it down well. He read his group well and he was eloquent. Not that he would be persuading his own,

but when he got up there to give the position that he felt the group was going to go with, he could articulate it extraordinarily well. I don't think Scott had that eloquence to him. Scott had Bob Griffin as his Whip, and I think he always felt Bob Griffin biting at his heels. But the Mansfield-Scott working relationship was fine. When the White House is controlled by the party that is the minority party in Congress, the dynamic changes.

RITCHIE: Scott also had the Nixon White House to contend with, and a Nixon program he had to try to enact.

FERRIS: Yes, he had his hands full.

RITCHIE: Some of the big divisive issues in the Nixon administration were the ABM treaty and the MIRVs—

FERRIS: Those were carry-overs from Lyndon Johnson. We had those issues under Johnson, too, the ABM treaty and the MIRVing of our missiles. Those were big issues but those were bipartisan issues again. You had Stennis and Russell and other Armed Services hawks. Scoop Jackson was the big advocate. He had Dorothy Fosdick and Richard Perle as his two assistants on these national security issues, so his advocacy was very intense. On the other side, Ed Brooke was very good, as was John Sherman Cooper. There were great strong people on those issues on both sides of the aisle. So it didn't work through the leadership. Johnson wanted it. He was the one who changed the rationale of the ABM, first it was going to be a protective shield for the whole country, then it was just going to protect missile silos. It was the same system just reprogrammed politically. Then it went through the same process with Nixon. Some of those votes were very close.

RITCHIE: One of the key votes was a 50-50 tie on ABM.

FERRIS: That's right. But those were just sort of ad hoc coalitions that surfaced for that purpose. It wasn't on a partisan basis but it was issue specific. Scott and Mansfield were not actively lobbying on one side or the other. Mansfield was against it, but I don't even know how Scott was on it. He probably was for it.

RITCHIE: One of the issues that Mansfield was very concerned with in those days was American troops in Europe. He made a big effort to try to withdraw them. When

Mansfield got interested in an issue, did the fact that he was the leader bring extra weight to something that was a personal interest of his?

FERRIS: Yes, but a hell of a lot more so in Europe than back here. That was the one issue of foreign policy that I was assigned by Mansfield to handle. Otherwise I was all on the domestic side. I wrote his exhaustive (and exhausting) statement on this when he testified before the Foreign Relations subcommittee in 1974. That made the case of why some of the troops should be removed. There was this whole notion of thawing of relations in the Cold War since NATO was formed, and the 74 bilateral agreements between East and West. The whole notion of that was the dishonesty of the policy as it was stated. We had 325,000 troops in Europe, and dependants. In Berlin we had 5,000. It was really a trip wire. It wasn't an all-out defensive posture. If you come, you're going to trip wire the nuclear response. Most of our troops were stationed down in the southern part of Germany. Any invasion from the East was coming from over the north German plains. So what the hell were we doing down south if we were there to defend against the hordes coming in from the East?

The most glaring inequity was the immutability at the force structure as if it was applied for the U.S. The original troop commitment for each of the NATO countries in Europe took into account the size of the U.S. standing army at the end of World War II and the fact that the Europeans really hadn't yet rebuilt their forces. They were justifiably assigned a much reduced troop commitment vis-a-vis the U.S. It was at least two to one. One European and two Americans. As the tensions eased over the years, the Europeans would reduce their NATO troop commitment, but the U.S. never adjusted its troop levels. Mansfield did not personally want all the troops to come back from Europe, but he wanted to bring the issue into focus. Really down deep our troops were in Europe not to protect against an invasion from the East, they were there to perpetuate the occupation of Germany, so the German juggernaut could not rise again. That to me was a valid justification for being in Europe. You couldn't state that publicly, but that, to my mind, was the reason we were there, and from that standpoint it succeeded admirably. Germany is probably as pacifist as any European country now. They have a public service requirement in Germany whereby every nineteen year old has to put in either nine months in the army or eighteen months in civilian public service. I wish we could have something like that here. I imagine that Charles De Gaulle wanted us to get out. He didn't want us occupying France. He knew what the whole purpose of the thing was. But Mansfield fought that battle and he kept the

pressure on.

I used to go over to NATO Parliamentary conferences after Congress adjourned. Mansfield didn't go, but he always let me go. They were good meetings. The European Parliamentarians were always very concerned about what Mansfield thought. It was always perceived as a much greater threat from a distance than it was in reality. Mansfield never made an effort to legislatively implement his troop position; it was always by simple Senate resolution, expressing the sense of the Senate. Probably the fact that he gave the troops in Europe issue to me to handle showed the fact that he wasn't terribly serious about implementing it by law. Frank Valeo did all of his foreign policy writing. But that was mostly Pacific oriented rather than European oriented. I think Mansfield probably felt that as a country we were too European oriented in our focus. Montana has a more Pacific orientation in viewing the outside world. The wheat and beef from Montana were more likely to be shipped to Japan. There was a relationship to the Pacific from out there that did not affect the Eastern seaboard.

RITCHIE: Part of it seemed to be a sense that the United States had overextended itself and had to start to rethink its position in the world.

FERRIS: We had a two and a half war strategy then. We were supposed to be able to have two wars going on, like World War II, in Europe and in the Pacific, and still have sufficient forces to fight another half a war somewhere. In the Ford administration, they finally changed to a strategy of one and a half wars. Where was the dividend for that one war we're not preparing ourselves to fight? Nothing happened on the defense appropriations. Nothing happened on force level. There was an awful lot of fiction or fantasy that was used to justify what was predetermined.

Going back to the 325,000 troops in Europe, I remember saying it was the largest army put together to occupy Europe since Julius Caesar, and it was larger than Julius Caesar's army by far. There was an awful lot of that hokey pokey. You had rationales that didn't really mean anything. You would catch them in the contradictions, but they had no impact.

RITCHIE: Was there a parallel between that and Mansfield's efforts to get congressional oversight of the intelligence agencies?

FERRIS: It was more a frustration with the reliability of the factual predicates that determined the policy options upon which the Senate and the Congress voted. We did three things that were significant. We set up an agency, the Office of Science and Technology. That was really an outgrowth of the ABM and MIRV debates. We had contacts with scientists from Stanford and other universities, who were able to counter [Edward] Teller and the others in Scoop Jackson's camp. I remember a meeting of Senators in Mansfield's back office. The scientists' presentations would sound totally reasonable and convincing, but so would the other side, who were advocating the new missile program. Mansfield said, "Why don't we have someone who is objective that we can rely upon, who's not grinding an axe?" There were a lot of technical issues coming up, so the Office of Science and Technology came out of that sense of inadequacy from the standpoint of Congress having an independent input, not co-opted by one side of the argument.

The Congressional Budget Office arose out of that same feeling. The Bureau of the Budget used to be massaging the books to provide a desired conclusion so the same frustration led to a Congressional Budget Office. I think the Congressional Budget Office has performed extraordinarily well over the years. They have been very objective and very professional.

The Intelligence Committee was a creation that was long overdue. There were never public hearings on the intelligence gathering agencies and even the appropriations for these entities never had a specific line item in any bill. When you hide \$20 billion in other appropriations categories, it makes a sham of the entire process. But the most serious effect of this deception was the lack of an oversight entity. There was no one to whom one could go to blow the whistle. There were no committee staff who were assigned oversight of the clandestine activities of the government. There was no oversight on intelligence at all that was a matter of public record. All that frustration burst forth around the same time as the Cooper-Church Amendment on Cambodia in '72. An ad hoc committee was established in the Senate. Fritz Mondale was the chair of the committee to establish a permanent Committee on Intelligence.

One thing that had always bothered me was how the committees of the Congress became captured over time by the agencies of their responsibility. It was something that happened in every entity. It's the old question of a stale record. They're on a committee and for the first five years they'd ask the right questions and get the right answers, and they'd

take those answers and accept their validity for the next twenty years. If you would ask those questions again twenty years later, you'd in all likelihood get very different answers. But the inquiries were never made. That's why I think the most significant thing in addition to the establishment of a permanent Committee on Intelligence was the rotating of the committee membership so that no Senator could serve more than six years on the committee. You didn't want them captured by the intelligence community. You keep a rotation that assured renewal. Fritz Mondale insisted on that provision. I happened to go over to Tip O'Neill's office his first year as Speaker and that's the one project that I took on during my short stay with Tip. I emphasized the need for an Intelligence Committee in the House as a counterpart to the Senate committee. In the nine months that I was there, we got that passed. And we got the rotation of the committee membership there as well. I think it has worked very well. I notice there are proposals now to get rid of that! Probably the original rationale for why it was done has been long since forgotten.

I don't believe in term limits for members of Congress, but I think term limits for committee assignments make an awful lot of sense. With people like Lee Hamilton or Dick Russell, I don't care what committee you put them on, they'd rise to the top, and they'd make great contributions. Back in the '60s, I told Fulbright this. I said, "I think we'd be much better off if we just changed the name of your committee to the Senate Armed Service Committee, and changed the name of the Senate Armed Service Committee to the Senate Foreign Relations Committee, keep the same memberships and go about your business. I think it would create a much better sense of what was going on." He agreed and thought that might be a good idea. But I think the stale record is a chronic problem in government. I found that in later years when I went down to the FCC, the stale record concept still applied. I was able to do something about it when I got down there.

RITCHIE: It is surprising that the Senators on the Intelligence Committee are suggesting that they want to be able to continue. Usually Senators seems to want to get off that committee, since most of what it did couldn't be publicized—

FERRIS: And there were no constituencies to generate PAC contributions, and PAC money drives so much of what they do up there. Their committees determine who is going to give to them, which is such a potential compromise of the whole system and how it's supposed to work. But rotation would take care of the PAC money thing, too. PAC money would still come around as people tried to get to know someone, but you could vote against

them for the first couple of times. They've done that in the House. That was a Newt Gingrich innovation, which I thought was just magnificent when he did that. I had always advocated that. I remember talking to Tom Foley after Gingrich had come in. He said, "I've got to admit that was a good idea. I never could have gotten that through." He had people like John Dingell and Jack Brooks who were barons unto themselves but who had no responsiveness to the leadership because their fiefdom was so well embedded, and that wasn't healthy.

RITCHIE: The Republicans in the Senate have a similar provision in their Conference rules, where committee chairs have a six-year term limit. Several chairmen are going to have to shift now because they've reached the limit.

FERRIS: Yes, [Ted] Stevens is going to have to give up Appropriations, and [John] McCain is going to have to give up Commerce. That's good, not that both didn't do their chair responsibilities well, they both did, but each will make a similar contribution in their new committee duties!

RITCHIE: But the Democratic Conference hasn't adopted that.

FERRIS: They haven't done that, no. I wish they would. They've been out of power long enough now, but maybe all the ranking members don't want to give up their ranking positions. I think the Republicans do it when they're in the minority, as well.

RITCHIE: I'm not sure how that works.

FERRIS: It would be interesting to do that. If Tom Daschle gets reelected to the Senate, maybe he could take on something like that. I think it makes eminent sense. You would necessarily have to contend with Bob Byrd, who would have to give up Appropriations. That would be a tornado in and of itself. Those are the practicalities of making such a change. When Newt Gingrich came in, there was such a sweep that he could get away with it. In the House, they can even pick and choose beyond the existing committee membership. The presumption of seniority doesn't apply too much. You can pick and choose who will chair the committees. It makes the leadership much stronger, because the chairs become much more responsive to the leader. For that reason, those that have the power on the committee don't want to give it up. It was a brilliant move that Gingrich made.

I thought Newt Gingrich was a remarkable guy. I was like a moth to a flame with him. Any time he was on CNN or C-SPAN at a conference, I would watch it for the whole forty minutes of his talk. He was so holistic in presenting his positions. Everything fit. He had a framework that was very consistent and rational. He was remarkable, and a very interesting man. He did some good procedural things.

RITCHIE: I suppose, if you're going to do it, you're going to do it when you've had a major change in membership.

FERRIS: That's probably the only time. I don't see the Senate ever doing it if Bob Byrd has to give up the Appropriations Committee. What else is he on? The Rules Committee? But you wouldn't get that through.

RITCHIE: One other issue that Senator Mansfield seemed particularly interested in at that time was the right to vote for eighteen year olds, a constitutional amendment. He said at one point that that was his proudest achievement.

FERRIS: Yes, I know it. It was during the Vietnam War. This was in '68 and Vietnam was still at its height. There was a great deal of sentiment about these eighteen years olds who were coming back in coffins. If they're old enough to fight, aren't they old enough to vote? It was the same rationale when Howard Cannon voted for cloture on the equal housing bill of 1968: if they can go fight together in Vietnam, they should be able to buy a house when they come back here just like any other veteran. That was a good rationale. Alan Bible never did vote for cloture, but Howard Cannon did. I think that was the same impulse on the eighteen-year-old vote. To a great extent, the eighteen year olds were certainly as aware educationally as probably twenty-one year olds were a hundred years ago.

Yes, Mansfield took great pride in that. He offered it as an amendment. I'm trying to remember to what bill. It wasn't terribly germane. I think Jim Allen was involved in that bill somehow or other. It was just sort of spontaneous. Mansfield was on the floor and he offered this amendment. Magnuson had been part of that effort for some time, and Jennings Randolph had been a part of the effort. Mansfield offered his amendment to this bill and the fireworks went off. Spessard Holland was a very bright and eloquent advocate and he insisted that anything like this had to be done by constitutional amendment. He wanted to

have a constitutional amendment on changing the cloture vote! Barry Goldwater was for the eighteen-year-old vote. Ted Kennedy was for it.

Ted Kennedy was over in Ireland giving some lecture and his legislative assistant, Cary Parker, came down to the well and said “We’ve got to get Ted on this.” Ted was running with this issue too. I asked Mansfield to put Ted Kennedy on it, as well as Magnuson. They had been very interested in this issue and strong advocates for it. Mansfield added both as cosponsors. And we passed it legislatively. We were using as a constitutional rationale the Supreme Court decision upholding the 1965 Voting Rights Act. It was attached to an unrelated House passed bill. The big issue was: could we get the House to go along with it? McCormack was the Speaker then and he was unsure of the sense of the House on the issue.

Cary Parker was a magnificent writer and he drafted a letter to go to the editor of the *Washington Post* on the eighteen-year-old vote, which really laid the argument out very clearly and persuasively. He brought it over to me because he wanted Mansfield to sign it along with Kennedy. I thought it was a great letter and I showed it to Mansfield. He said, “We should get Magnuson to be on this, and Barry Goldwater, so we’d cover the political spectrum.” I said absolutely. I got Magnuson right away. Barry Goldwater was out at Burning Tree [golf course]. I called him out there. I didn’t have a relationship with Barry Goldwater, I just told him who I was. I said, “We’ve got this letter and it’s going to the *Post* on the eighteen year old vote. I’ll read it to you. The leader would like to have you be a signer of it.” I read it to him and he said, “Absolutely, put my name down.”

I went back to Cary Parker and he was furious that it was going to have Goldwater and Magnuson’s names on it, not just Kennedy and Mansfield. I said, “But Cary, can’t you see the difference, what impact this will have on the House if you have a letter with Barry Goldwater and Ted Kennedy signing it, from an ideological standpoint in the House, rather than a letter with just Kennedy and Mansfield?”

The letter appeared in the *Post* the next day and it had the desired impact. Members of the House referred to it in debate. The Senate amendment passed the House. A constitutional amendment that set the voting age at eighteen years old for both federal and state elections was subsequently passed. The real question was whether this legislation granting the right of eighteen year olds to vote in federal elections would affect state voting

rights. Since we could only prescribe it for federal elections, what were the states going to do, have two voting booths? Whenever there was a federal election, every state would have to abide by it. When they had an election all by themselves, they could have their own. That's why a constitutional amendment made it neat and tidy from the standpoint of state and local elections.

But it was surprising how strongly Mansfield felt. I think that was a corollary of his depth of feeling on Vietnam and the sacrifice of our youth. If he were alive today, what would he think of Iraq! You see the kids on McNeil-Lehrer [PBS *NewsHour*] every night. These are kids in the prime of their life. It's a terrible thing when old people send young people off to die.

RITCHIE: Well, perhaps Senator Mansfield remembered that when he was a teenager he served in all three branches of the service.

FERRIS: Yes, he did. He ran away the first time to join the Navy. But the Marines were the love of his life. The Army was supposed to send him to Europe, but he never got to Europe, he got to San Francisco, the Presidio, taking care of the colonel's horse. When they saw that he was from Montana, they assumed that he knew something about horses. In the Navy, he did make some convoys across the Atlantic, but the Marines got him over to the Philippines and got him into China on an excursion. So he was always a Marine at heart.

RITCHIE: When you mentioned Ted Kennedy, I also wanted to ask about the change in the Democratic Whip's position while Mansfield was leader. You had several challenges. You had Russell Long who was the Whip. He was challenged and defeated by Ted Kennedy. Then Robert Byrd challenged and defeated Kennedy. Could you talk about those races and how that circumstance came about?

FERRIS: Ted challenged Russell Long in 1968 for the Congress commencing in '69. I worked with Ted on this effort and I was over at his house. My position gave me an opportunity to acquire a familiarity with all the Senate that even some members didn't have the opportunity to acquire. It's obviously evident that I had a different interpretation of my job than did some of the other staff people. I got to know Mansfield and I got to know what made him tick, and I got to be able to predict what his instincts were and what his thoughts were. I used to go out and do things but always consistent with what I felt he would want

done.

Stan Kimmitt was very able, but coming out of a military environment, I think he waited to be told specifically to do something. He was in his way an activist, as was I. Mansfield was so aware of what everyone was doing. He knew exactly what I was doing, and it was very convenient because there were never any Mansfield fingerprints. It was just this damn activist Ferris, if something went wrong. That was good for him, but he knew exactly what was going on.

Ted Kennedy was a friend. He was going on a ski trip to Colorado and he forgot his ski boots. He called back to Dave Burke, who was his administrative assistant then. Dave wanted him to run for the Whip's job. He got Ted interested in it, and Ted flew back. Dave got a hold of me because I knew the backgrounds of the Senators. I remember being at Kennedy's house and going down the list, and him calling everyone. Russell Long was not active as Whip in the sense that he wasn't there too much. He was somewhat of an embarrassment to many members of the Senate. Mansfield was an institutionalist and Ted Kennedy would have been someone that he could feel comfortable with. It turned out he was very comfortable with Ted. He liked Ted very much, always did. He liked Jack Kennedy very much. He liked Bob, but he was closer to Jack. They came into the Senate together, but he was older and more of a Senate institutionalist than Jack Kennedy was. Then Teddy came as a young boy almost and Mansfield took a fondness for him.

Ted went down the list and methodically called all the Senators. You called the ones you thought you could get first and then the more difficult ones. Then you got to the list of those you never were going to get, but you want to call them, you don't surprise people. He called Jim Eastland—Kennedy was on Jim Eastland's committee—and told him that he was going to run for the Whip's job. Jim Eastland said, "Ted, ain't no vacancy there." [laughs] That's a Senate institutionalist. You wait until it's your turn. The other one who was very interesting was Dick Russell. Ted said that he was going to run, and Dick Russell said, "I will put no stone in your path." That was very revealing.

I remember driving Ted over to Bill Spong's house in Virginia. Bill Spong and I were good friends. He was a tremendous sports fan. Bill Spong and I flew up to the seventh game of the '67 Red Sox World's Series, Lonborg versus Gibson [Jim Lonborg, pitching for the Boston Red Sox against Bob Gibson of the St. Louis Cardinals]. Spong was on Foreign

Relations and Mansfield really liked him, because Spong had a quiet manner like Mansfield, and was very studious and wasn't interested in high-profiling his involvement in issues. Spong used to go on some of the NATO Parliamentary trips, and he and his wife Virginia and I were very friendly. So Spong was a swing vote, and he was from the South. I knew where Bill lived so we drove over to his house. I waited out in the car. I remember Ted saying as he went up the step, "What's his wife's name again?" He went in and spoke to Spong. I don't know if he got an immediate commitment from Spong or whether he got a good indication. Probably Spong said, "I'll give it some real thought." But Spong talked about how he was not always proud of Russell Long's behavior. I think Spong went to Dick Russell. It might have been that Ted told Spong about Russell's remarks. Spong went to Russell and told him that he was going to vote for Ted Kennedy because he was embarrassed by Russell Long's conduct. Russell said, "I understand completely." So Spong voted for Kennedy.

I don't remember the vote, but it was rather predicable. Ted didn't have the patience for the Senate floor. He didn't want to invest the time to master the parliamentary procedure; few Senators ever do. Ted was interested in a lot of substantial issues. When you're a leader you really have to be interested in moving the trains rather than packing the freight cars. Ted used to come down sometimes to the well before the Senate convened. At those press conferences on the floor, the dynamic between Mansfield and Kennedy was very good. But after Chappaquiddick, Ted went into a shell. I remember after that there was a Senate session in early September, and Teddy came down to the well. The Whip's seat was beside Mansfield, and Mansfield was just so welcoming. Teddy is back here where he belongs. That's what he said to the press who were assembled in the well. I could just tell, if I were in Ted's shoes this is what I'd love to hear. Because it was so awkward for him coming down to confront the Senate press for the first time.

That had an impact on Ted and his activities and his interaction with the other Senators. Then Bob Byrd, who was Secretary to the Conference, decided that he was going to make a move if he had the votes. Talk about someone who wallowed in the minutia of the Senate and its procedures, Bob Byrd did. I remember when he was running, Bill Spong told me that he wasn't particularly fond of Bob Byrd, personality-wise. Bob Byrd called and said, "Bill, I'd like to have you and Virginia come over for dinner, a week from Saturday." Bill Spong said, "Gee, that's really good of you, Bob, but Virginia and I are busy and we can't do it." So Bob Byrd would say, "How about three weeks from Saturday?" Spong said

no, and he said, “How about six weeks from Saturday?” He just would not take no for an answer. Spong said, “How do you handle a guy like that?” That’s how he was about going after every vote, just wearing them down.

In the caucus, when the vote took place, Richard Russell was on his deathbed. As the nominations were being made and before the votes were to be counted, Byrd had someone outside on the line to Walter Reed Hospital. He had Dick Russell’s proxy, but he wanted to make sure he was alive. I think it was before the nominations were put in, because he wasn’t going to go forward with the nomination if Senator Russell’s proxy was invalidated. because he felt that vote was critical to his success. It turned out not to be, because he had it by four, five, or six votes. What if he won by Dick Russell’s vote and Dick Russell had died and the vote didn’t count? He was that meticulous about how he went after things, dotting every “I” and crossing every “t.”

Byrd took over as Whip in January of ‘71 and it was a big change—a big change for me. The Whip has no institutional responsibility. He serves really at the sufferance of the Majority Leader. The Majority Leader gives him duties that are the Majority Leader’s responsibilities. Up until that time, I had been doing those things for Senator Mansfield, so Bob Byrd’s effort was really to assume my responsibilities for himself. It was a concerted effort. He never did the legislative agenda, but he started talking to the chairmen of committees about what bills and amendments should come up. He went on a campaign to a great extent, I felt, to make me a non person, because he felt that the relationship that Mansfield and I had was one that interfered with him assuming a greater leadership role. I understand it from his position, and it certainly is understandable why we never developed an endearing relationship. He has a great memory, and he used to work very hard at the Senate. As Whip, he spent so much time on the Senate floor. Talk about someone who would just be there, he’d be there until every adjournment every night.

He worked at everything he did. If he was doing something, he was going to do it completely and thoroughly, and he did the Whip’s job very completely and thoroughly. He was always around. He certainly relieved Mansfield of the housekeeping floor responsibilities if Mansfield had to leave. Mansfield wouldn’t have to be on the floor, but I’d be on the floor and I could always reach him, or get another Senate proxy for him to make sure that some shenanigans weren’t pulled off. But Bob Byrd was there, so he would be the one. If some Senator wanted to do something, Bob Byrd would go check with Mansfield.

So he was faithful in his responsibilities and did not try to usurp any of the leader's prerogatives. But he certainly was going to prevent me from being the proxy for the leader. That was his prerogative to do. So the last five years were not my most joyful in the Senate.

I remember when the Nixon impeachment started in early '73, when the Ervin Committee was appointed by Mansfield—which was a brilliant stroke, having a resolution establishing a new committee because the resolution was voted unanimously by the Senate. That meant that partisanship was taken out of it because it was *de novo*. There was no self-starting of a subcommittee or a committee to do something. I started with a group to go over the rules of impeachment in the Senate, because the Fourteenth Amendment wasn't passed when [Andrew] Johnson was impeached. A significant body of law had evolved on procedural due process since then. So we needed to bring the rules up to date. We had a staff and some outside people working on this and Mansfield wanted the rules in shape for anything that might potentially happen.

When the House committee voted impeachment, Mansfield had the rules. He had the present rules and the suggestions about what we should do side by side. He said, "Give it to Byrd," because Bob Byrd was on the Rules Committee. Byrd took it and went to committee, but he threw it out because he didn't want to have what we did as his work product. I think, to a great extent, if he was going to come out with any revisions to the rules, it wasn't going to be something that I had worked on. C'est la vie. We never really did have to use them. There were some proposals, but I don't know if any proposals for rule changes were adopted about impeachment procedures, because there didn't seem to be any problem in the '90s when they went after [Bill] Clinton from the standpoint of how the Senate proceeded. They proceeded in a fashion that worked. They adapted.

Mansfield had a sensitivity about the role of Chief Justice [Warren] Burger presiding over the Senate during an impeachment trial. He wanted all issues decided by the Senate and not by the chief justice as presiding officer. I think there was the same sense about [William] Rehnquist. They were to be figureheads. No issues were presented to them. The presiding officer was to submit every issue presented to the Senate for a vote. It was the personality, it was an institutional issue. Senate prerogatives should not be assumed by another branch of government. Even though the Chief Justice presided for a valid reason of taking partisanship out of the proceedings, the idea of protecting the institutional prerogatives of the Senate was very important to Mansfield, and I'm sure it was when the impeachment of

Clinton went forth.

It's very interesting what they did with that with Judge Alcee Hastings from Florida. They sent that impeachment to committee. They actually had it done in committee. It turned out that it made the impeachment of a judge something that was realistic. You wouldn't have to tie up the whole Senate, you could send it to a committee for its recommendation and report back to the Senate as a whole to accept or reject.

RITCHIE: They did it for all three judges in the 1980s, Harry Claiborne, Alcee Hastings, and Walter Nixon. Nixon took the issue to the Supreme Court, which upheld the notion of doing it by committee. So yes, that made it doable. Well, this has been very useful and I would like to talk more about Watergate, but this might be a good place to take a break.

End of the Fourth Interview





FROM THE SENATE TO THE HOUSE

Interview #5

Wednesday, September 23, 2009

FERRIS: The Congress is lacking in civility. Politics is angry and confrontational these days.

RITCHIE: It's gotten more on the edge. It seems to be hard to do anything in the center.

FERRIS: Yes, no one wants to be in the center. Except they want to co-opt it. They want to be on one side or the other, depending on their constituency. But I just remember that we had the John Sherman Coopers, the Ed Muskies, and the Howard Bakers, who were always just interested in doing something that's worthwhile. When members start with that mind set, it leads to nice things.

RITCHIE: There were some very warm tributes in the *Congressional Record* by members to Senator [Edward M.] Kennedy. A lot of the Republicans talked about his ability to do that sort of thing, to reach out to their side and to find somebody on their side to co-author a bill.

FERRIS: Yes, Ted did that better than anyone else and it was so much a part of his approach to life in general. Robert Kennedy was so different when he came to the Senate. He had more confidence and Robert had more experience with his own staff to think out where he wanted to go and what he wanted to do. Then he'd call some people, outside experts, to validate his judgment. Ted, in contrast, immediately started calling experts and getting input. So his process was a very different one. He was used to listening to conflicting views and probably it just sort of developed into a style that made him very, very potent in this type of environment.

RITCHIE: His staff has talked about going to his home on Saturdays with their briefing books to get him ready if there was a bill that he was really interested in—and how with other some Senators, you could do the same thing with a one-paragraph memorandum.

FERRIS: That's right. Ted was really a Senate creature. It's so obvious to me, the Senate was where he was most comfortable. The presidential run was a creature of the organization of the "Kennedy nation." It's like "Red Sox nation." "Kennedy nation" had to have a candidate, and so he had to lead that charge in '80. After that was over, that's when he just really blossomed.

RITCHIE: I've been reading his memoir, *True Compass*.

FERRIS: Have you? I haven't. I've just read reviews of it. Is it good?

RITCHIE: It is his voice, because he did a long oral history before he died. I think they used a lot of those interviews in putting the book together, so it sounds like him. You get from the book a sense from it that, especially after Bobby Kennedy died it took him a long time to recover from that. He spent a long time in the '70s being distracted and not focused. But after 1980, he was one of the most effective Senators on Capitol Hill.

FERRIS: Oh, absolutely. Mansfield told me that he was the best Senator he ever served with. Mike just thought that Ted really was a Senate man. What Dick Russell was for the Southerners, Ted was for the Democrats from the '80s on. He was a Senate man. From the very beginning you had glimpses of that potential.

RITCHIE: Yes, he was a gregarious person who fit into a collegial organization.

FERRIS: Absolutely.

RITCHIE: And the Senate really was the right fit for him, for forty-seven years.

FERRIS: That's right. When someone asked him how long he was going to stay, he said until he got it right.

RITCHIE: One reporter asked me who would be the next Ted Kennedy and I said that frankly, in 1962, I don't think many reporters would have predicted that Ted Kennedy was going to be Ted Kennedy.

FERRIS: That's right.

RITCHIE: A lot of people assumed that he would run for president and that he wouldn't be there very long. But you never know.

FERRIS: Yes. This is a country of second chances.

RITCHIE: He became such a good committee man. Do you think that losing the floor leadership, losing the Whip position, redirected him in some respects, and that his legacy was really what he did in the committee and in the legislation he made?

FERRIS: Absolutely. Absolutely. Both Robert Kennedy and he attracted extraordinary staff. They had the best, there's no doubt about it. The reason they had the best is they vented their staff. Their staff would come up with ideas and they'd develop them and they'd run with them. I can remember that Gaylord Nelson had very, very good staff, but Gaylord didn't have the same instinct. He wouldn't vent the work product of his staff. That makes a big difference. Excellent staff doesn't stay in that environment. But Ted had very good staff, as did Robert. You can't get a better staff person than Cary Parker. His soul and Ted's soul merged as the years progressed. You could ask Cary and get a reaction from Cary and it'd be the same reaction you'd get from Ted if you'd asked Ted first. He was up with him from the 1960s. I think he clerked on the Supreme Court in the late '60's and then came right over to Ted's office and stayed the entire time. Cary was an incredible writer, just a magnificent writer. But that says something for a Senator when they keep someone for that long.

RITCHIE: Quite a few of Kennedy's staff had been with him for a really long time.

FERRIS: Yes, the environment was a very positive one. Ted created a stimulating environment.

RITCHIE: I'm not sure whether you know that the Senate has named the Caucus Room for the Kennedy brothers; John, Robert and Edward? The Caucus Room in the Russell Senate Office Building.

FERRIS: Oh really? That's where all three announced their run for the presidency.

RITCHIE: It was right after he died. The Senate passed a resolution. But I thought it was very interesting that they named it for the three brothers.

FERRIS: That really is nice.

RITCHIE: That's also, of course, where the Racket Committee held its hearings in the 1950s.

FERRIS: And Bob was the Committee's counsel. Well that's nice. I didn't realize that. I didn't see anything in the paper about that.

RITCHIE: It didn't get much publicity. But it went through unanimously in the Senate, as most things do.

FERRIS: Most things do, that's right [laughing]. Well that's great. I'm glad to hear that.

RITCHIE: Since the last time I saw you, we've come into possession of all of the Democratic minutes from 1964 to 1981. The Conference has asked us to edit them for eventual publication.

FERRIS: Of the Policy Committee?

RITCHIE: The Conferences and the Policy lunches.

FERRIS: Yes, the Policy Committee was always at the luncheons when I was there.

RITCHIE: They are very interesting to read. We had done the earlier volume up to 1964, and volunteered to do the next volume. So I've been reading through all of this, and of course your name is in all of them. I was very curious, because in January of 1973, they went from doing minutes to having a reporter there who recorded a verbatim account. But they don't explain in there why they did that. They just did it. I wondered if you remember what was the motivation that led them to have a reporter of debates do a full transcript.

FERRIS: Did they have one of the official reporters in there?

RITCHIE: Yes. They still do, in fact.

FERRIS: That's interesting. You know, I don't recall the actual transition. I can assume, probably, why Mansfield wanted it. It was in the Policy Committee that Dick Russell expressed reservations about Vietnam back in the '60s. But Russell had this position that once the flag is planted, you supported the president. If Dick Russell had gone public with those doubts, it would have given legitimacy to an awful lot of people on the question of the Vietnam War. And it would have given Lyndon Johnson earlier cover, because LBJ had traditionally followed Russell on military affairs. But I think the transition to an official reporter was post-Watergate, wasn't it?

RITCHIE: It was right in the middle of Watergate, actually. Just when the Ervin committee got started out.

FERRIS: Okay, I'm trying to think. That was after we had Harriman in there and Kissinger.

RITCHIE: The Vietnam War was still going on. That's one of the big issues that they talk about in there.

FERRIS: Yes. I assume that the motivation was that some things were said in the confidence of the Policy Committee, but those proceedings were kept secret. We never had one breach in the entire time that I was there, which with any group, especially a group of Senators, it's very, very unusual that they keep secrets, especially when they get something that they think is newsworthy. I think that Mansfield probably wanted to have a verbatim record of what people were saying in the conversation. I might try and read some of that, because I wonder if the dynamic changed. I always felt that if you brought television into the Senate, the character of the Senate would change because they'd be speaking to a camera. To some degree it does, because they stay in their office and watch. It will be interesting to see if the Policy Committee deliberations changed because there was verbatim.

RITCHIE: The one thing I noticed is that the Conferences were quite formal. I thought that in closed door they would be informal. But they say, "Will the Senator yield?" It sounds like what you would hear on the floor, although sometimes they also call each other by first name. It made me wonder how many of them were conscious of the fact that

the reporter was sitting over there in the corner.

FERRIS: Oh, I'm sure they were. It's amazing I don't remember. They had one of the regular reporters? I wonder if they had the same one all the time.

RITCHIE: I'm not sure, but most likely.

FERRIS: More than likely.

RITCHIE: They still do. I went to the policy lunch last week. I gave a brief "historical minute" at the beginning, and the reporter was right up there in the front, keeping a record of everything that's said. They started in January of 1973. Up until that point, there had always been minutes. But the minutes were getting longer, and so—

FERRIS: Well, the Ervin committee was post-January 1973. So it might have been motivated by Watergate. But actually, I don't remember that. Well, some of it might have happened before lunch. Did he sit in the lunch and get the conversation over the lunch?

RITCHIE: Just the formal part.

FERRIS: That was after the lunch, then.

RITCHIE: Yes. They would convene the meeting and then Senator Mansfield would make a few remarks.

FERRIS: A few remarks to set the tone.

RITCHIE: And then there would be a dialogue between the Senators on whatever the issue was.

FERRIS: Well, were the formal meetings long?

RITCHIE: Some of them are, yes. Some are fairly short, but some of them were about an hour length of discussion—

FERRIS: When the formal meeting was convened?

RITCHIE: So you've got about seventy pages of transcript in some cases for them.

FERRIS: That's fascinating.

RITCHIE: The interesting thing, in reading through it, the tensions that I see, I thought it would be Vietnam. And there is some Vietnam tension, but it seemed to me there was a generational tension as well. There were some younger, more progressive, reform-oriented Senators; Fred Harris, Lawton Chiles, Jim Abouresk. They seemed to want to push the party a little bit further along. And then there was, of course, some resistance from the old chairmen; the Russell Longs and others like that. Senator Mansfield seemed to be straddling the two, trying to keep peace.

FERRIS: Yes.

RITCHIE: I don't know if that reflects your view of those days.

FERRIS: Oh, sure. The Policy Committee didn't count as a committee assignment and once you were on the Policy Committee you stayed on. But there was the Legislative Review Committee, which never met separately, but they met with the Policy Committee and they functioned the same as the Policy Committee. Mansfield used to appoint the young, aggressive Senators to that group. It gave a better mix on the committee, because with seniority, once you're on the committee, you stayed. So it was a way to keep balance. But I think the interesting thing on the Watergate, one of the coups that Mansfield pulled off, was the notion of the special committee. Ed Long of Missouri had that subcommittee with Bud Fensterwald as his aid who wanted to really go after this thing. And then Ted Kennedy wanted to head the investigation. A lot of people wanted to initiate hearings in their committees, but Mansfield came up with an ad-hoc committee, and he got all of the Republicans to vote for it, so it wasn't a partisan charter that was set up. It was a bipartisan charter, unanimously voted by the Senate, and the legitimacy of that committee was established. Mansfield decided that no one who had presidential ambitions was going to be put on it. None of them did—Herman Talmadge, Joe Montoya. I mean, I can't remember them all off the top of my head, but none of them had presidential ambitions. So it was well-conceived. I don't recall any objections raised from proceeding this way.

But of the things that I remember, over the luncheon, those are the conversations that I remember. I remember Herman Talmadge, who was on that committee, coming in right after the counsel for the president, the one who's testimony really just laid it out. What's his name?

RITCHIE: Do you mean Alexander Butterfield?

FERRIS: No, no.

RITCHIE: Or [Fred] Buzhardt?

FERRIS: No, he had the blond wife.

RITCHIE: Oh, you mean John Dean.

FERRIS: John Dean. John Dean was giving multi-day testimony. And Herman Talmadge came into the meeting and someone asked him about, "What do you think, Herman, of Dean?" And Herman said, "Listen very closely, man. No one can be that good a liar. I believe him." Because they challenged him and everything he said was consistent. But those are the little anecdotes that you wouldn't get in these transcripts. They wouldn't say them for the record. But that's fascinating. I will try and read some of your edited work product.

RITCHIE: I just went to one of these weekly Conferences and it was interesting to watch where people sat, which groups got together. The newer members were all sitting at one table. Older chairmen were at another table. There was a group of women sitting together. Did they tend to break down into similar groups like that?

FERRIS: Not necessarily. I'm looking at right behind you. There's a picture there. See the picture of Ted Kennedy? That's when Ted was Whip. He's chairing a policy committee. Now that is Harold Hughes, Ted Kennedy, that's Ed Muskie and Bill Fulbright. Mansfield was absent. I don't know where he was. He was probably at one of these U.S.-Mexico parliamentary meetings. But no, it was really people just came in and sat down in the next empty chair.

RITCHIE: So in those days it really was the policy committee. Now it's become the whole Conference that meets every Tuesday. They've merged the Policy Committee and the Conference into one luncheon meeting.

FERRIS: The Democratic Policy Committee reflected the spectrum of the Senate. The ideological split in the Senate was mirrored in the Policy Committee. So you'd get a good sense of what the "hot button" issues were.

RITCHIE: What I'm getting from reading the meetings in the 1970s is a sense of incredible frustration on the part of the Democrats about the Nixon administration, being unable to cooperate and coming up against things like impoundment and the military policies. Even before Watergate breaks, there's a sense that the majority in Congress can't work with the president.

FERRIS: Yes. Well, the impoundment battles were what led to the establishment of the Congressional Budget Office, in the Budget and Impoundment Act. I think it was the frustration when members enacted a law and/or appropriated funds and the president just said, "No, I'm not going to spend it." It's probably like what they talk about with the signing statements, about how "I'm going to sign the law but ignore that provision." That is outrageous when it comes to balance of powers. Yes, there was great frustration. By 1972 many in the Senate felt that Nixon and the group he had with him at the time had crossed the line. The incredible fund-raising that was going on. Who was it that, was it Maurice Stans who resigned his cabinet post so that he could be the bucket man going around collecting campaign funds?

RITCHIE: The finance chairman.

FERRIS: The finance chairman. It was on a scale that no one had ever seen before. But was the campaign finance law passed before '72?

RITCHIE: There were campaign finance laws but the stronger ones came out after that.

FERRIS: Up until the early '70s, cash contributions could be made to members of Congress. I think it probably was in '73. But the cash contributions in the Nixon era were

just enormous. It was abusive. The Senators were all politicians and were all raising money themselves so they knew when someone crossed the line or went beyond the pale.

RITCHIE: There's a famous exchange on the Nixon tapes in which Nixon to Dean that raising a million dollars would be easy.

FERRIS: For the break-in, sure, that's right. I'm looking at another picture. Here, that's the Policy Committee. That's Mansfield, that's Stan Kimmitt, me, Russell Long, Danny Brewster, Stu Symington, Ed Muskie, Dick Russell, Hubert Humphrey, Phil Hart. See they're all mixed. There was no clustering or getting ideological comfort from someone who's beside you. It didn't work that way. That's what made it such a beautiful experience for everyone that was there.

RITCHIE: I also get the sense in reading through these minutes that Senator Mansfield was getting burned out in the '70s. He was straddling these tensions all the time. His comments were somewhat to the effect of, "I'm here to serve you . . . I'm willing to try what you want to try. . . ." and, "We've tried some of this before and it didn't work." Clearly there's a give-and-take that's going on between the various factions of the party that he's trying to keep as peaceful as possible.

FERRIS: Yes, and it wasn't just on policy. There were always a group of Senators who—talk about narcissism—the whole schedule of business in the Senate revolved around their personal travel schedules. They were just bulls. I mean, they'd come up to Mansfield and say, "You can't have a vote this Wednesday because I've got a speech I'm giving somewhere." Well, we've got to have votes sometimes. Stuart Symington was always a bull this way. But he was not alone, there were a dozen who were that way. With someone like Mansfield who was not confrontational, he would listen to them and try to accommodate them. "I'll do my best," and what have you. He always tried to accommodate all of them. That can become maddening. There's no doubt that he found it maddening. His leaving the Senate in '77 was, I think foreordained. He had run the course.

RITCHIE: Did you think that he was going to leave then? You had worked for him for so long.

FERRIS: I wasn't surprised. Because I remember one time when Carl Hayden was on the Policy Committee and Mansfield said—just sort of talking out loud with me—that when a person gets to that age he shouldn't be in the Senate. Senators should self impose a little discipline on themselves. I think he believed that and I think he lived by what he believed in. So when he said he wasn't going to run, I was not surprised. I was disappointed, but not surprised. Not really disappointed because I was ready to leave too. That was sort of *deja vu*. But no, I don't remember him saying or analyzing whether he was going to do it or not. But it wasn't how old was he when he retired. He was born in 1904 and he stepped down in 1977, at seventy-two.

RITCHIE: Of course, he lived another twenty years or more beyond that.

FERRIS: Absolutely.

RITCHIE: He came back one time in the 1990s for a reception—he was receiving an award, and I said, “Senator, you look better now than you did when you retired.” He was like a character from *Lost Horizon*.

FERRIS: Yes. I remember making a similar comment when John Williams of Delaware came back to the Senate floor about eight years after he retired. He looked ten years younger. You know, the Senate can wear you down. Especially those that live nearby, the demands on their time to speak every night to people in Maryland or Virginia. How can the Senator say, “No, I've got to stay in Washington.” “Well, hell, you can drive down here in an hour.” Out west you can always say, “Well, I've got business back at the Senate.” But for all it can be very, very demanding.

RITCHIE: It's been thirty years since Senator Mansfield left the Senate, but what have you thought about the kinds of leadership that followed him by comparison to Mansfield as leader? How would you rate his successors?

FERRIS: Well, I thought [George] Mitchell was very good. He had a great political sense and he had people sense. He certainly didn't trim his sails ideologically because of the job, but he handled the people side very, very well. Bobby Byrd—I had problems with Bobby Byrd, and so I probably can't be objective. But he was very, very faithful to the institution of the Senate. I think he probably had Lyndon Johnson as his role model. I don't know if

he did. I wasn't there then. But Mitchell succeeded him. And then there was—

RITCHIE: Daschle.

FERRIS: Tom Daschle came after Mitchell. I thought Tom Daschle was probably the best from the standpoint of talking to the media. He's very articulate and eloquent in describing something. From the standpoint of television, he was very, very good. They don't usually have television personalities as one of the bullet points for leaders. But I thought he was very good. But I know Daschle was always being attacked as being too partisan. So the transition towards what we have today was pretty mature even then and I don't think you could get another Mansfield who would be able to contain his personal feelings on issues so that people would have total confidence in coming to him and sharing their views on things. That's the ideal. I always thought it had to be someone from a small state where all the issues that we fought on the national agenda weren't issues in his state. That certainly was Montana. That gives the leader the luxury of being able to take votes on the basis of national issues rather than the state basis. Let me see, who were the Republicans? Howard Baker, he was the leader there, wasn't he when they took over in '81?

RITCHIE: In '81, right.

FERRIS: Howard Baker, I think, had Mansfield-type talents. He probably conducted himself very much like Mansfield because he wasn't a yeller and a screamer. He had strong views, but they were relatively moderate views. I'm sure he ran the Senate very well, as shown by the fact that he went down to the White House. Did he go directly from the Senate?

RITCHIE: No, he retired in '85 and then the Reagan administration called him back in '87 after Iran Contra.

FERRIS: Yes, to become White House chief of staff. Well, it probably ran its course with him, too. I mean, the Senate wears people out. It's like I find that managing partners of law firms, usually the one that's picked is a very successful lawyer who has generated a good book of clients and law firms put him in that job and he stays for five or six years and very few can make the transition back. You burn them out and they just die on the vine. It's really the same as what happens to the Majority Leader, although they maintain their

committees, but they slow down there. It burns them out. Howard Baker probably felt, “I’ve done this. It’s not going to get any better.” [laughing.] . It didn’t get any better.

RITCHIE: The Senate just had the unveiling of Trent Lott’s portrait at the Capitol and he invited Bill Clinton and Newt Gingrich as the speakers at his unveiling, which was an unusual combination.

FERRIS: Really?

RITCHIE: But Harry Reid opened the ceremony by saying—his first line was, “I miss Trent Lott in the Senate,” by which he meant that Lott was someone he could sit down and reason with and we could work behind the scenes and we could get something done, which may not be necessarily the case right now.

FERRIS: Yes. I think Trent Lott had the advantage—he was the chief of staff on the Rules Committee in the House, wasn’t he?

RITCHIE: He was with William Colmer, I think.

FERRIS: Colmer, yes, and so he understood the mechanics and the give-and-take and what the dynamic was going to be. So he had a good legislative background for how the mechanics worked. He probably was very successful. I remember him when he was up there. I don’t know if he was in the Senate then, but I knew him probably from when I was over the short time with Tip O’Neill. He probably was in the House then. I thought he was a very pleasant fellow and didn’t have the fire and the intolerance that so many have now with those that don’t agree with their ideology or their views. Who was he leader with? Was he with Mitchell?

RITCHIE: It was Bob Dole as the Republican counterpart to Mitchell. Then Dole stepped down in ‘96 to run for president, and Lott succeeded him. So Lott and Daschle were the two leaders together.

FERRIS: I forgot all about Bob Dole. He had a tremendous political sense, I thought. He was as sharp as you get from the standpoint of analyzing the dynamic in the Senate even though he had been chairman of the RNC. I always say that anyone who was

chairman of their National Committee always was scarred by that experience. The National Chairman probably got five seconds of time on television. They always had to come up with a real zinger in that five seconds. Dole was the king of zingers. But that's not good when you're the Senate leader. I thought he was very, very constructive as a Senator during my time up there. I think Phil Burton and Bob Dole were probably responsible for the food stamp program. You know, he came from a farm state, and they worked together incredibly well.

RITCHIE: Yes, I think he was involved in it.

FERRIS: I mean, that's pretty progressive stuff. I think Bob Dole was also a big factor—although Packwood gets most of the credit—for the '86 Tax Reform Act. Was Dole Chairman of the Finance Committee then?

RITCHIE: He was floor leader. He was Majority Leader.

FERRIS: He was Majority Leader and Packwood was the Finance Committee chairman. But he was on the Finance Committee, wasn't he?

RITCHIE: Yes, he had been the chairman before he became leader.

FERRIS: I think he was the one that really got that passed, because he had the confidence to be able to make a judgment like that. And that was revolutionary. That was wiping out all the exclusions and exemptions and starting from scratch. I always thought there should be a sunset on special tax provisions. The reason for the special tax treatment that is intended to help a particular segment of the economy would expire. If the special tax treatment was successful, it was no longer going to be needed. But they stayed forever and I'm sure he sensed that.

RITCHIE: The floor staff always said that whenever they were looking for Senator Dole they would go to the Democratic cloakroom, because—

FERRIS: He'd be in there.

RITCHIE: –he'd be in there because you can't have staff in the Democratic cloakroom. If you went to the Republican cloakroom, you had all those Republican staffers looking over your shoulder. It was easier for him to cut the deal if he was in the Democratic cloakroom.

FERRIS: Could the staff go in the Republican cloakroom?

RITCHIE: They did then and they still do, actually. The Republican cloakroom has always been open to the staff. But the Democrats shut it off sometime in the late '60s, except for the Policy Committee staff. There were a lot of complaints that the cloakroom was too crowded. They still have a rule against Democratic staff in there.

FERRIS: Well Bob Byrd led the anti-staff feeling in the Senate. He put those corrals in the back of the Senate chamber and the staff have to stay in the corral. This was when he became Majority Leader. I think he resented staff to a great degree.

RITCHIE: Well, the staff was growing at that time, too. I think there was a sense that there were too many of them around. It wasn't like in the '50s and the '60s when there was only a handful of staff in the back.

FERRIS: Yes, that's right. Before S. Res. 59 was passed—was it 59 or S. Res. 60? It was after Russell Long really pulled a fast one in the Finance Committee in an executive session. Gene McCarthy wasn't there and they voted on something against Gene's position. He raised such hell. That's when they passed that resolution that every Senator would have a staff person to serve them on each of the committees that they were on. Talk about doubling the staff on the Hill!

RITCHIE: Right.

FERRIS: What year was that?

RITCHIE: That was 1975, I think. S. Res. 60.

FERRIS: Was that '75? It was that late?

RITCHIE: I'm pretty sure.

FERRIS: Okay. I thought it was much earlier.

RITCHIE: They were moving towards it because in 1971 the Senate created minority staff on the committees for the first time. In '75 they said that every Senator would have someone on each committee the served on.

FERRIS: One staff person for every Senator on each of the Senator's committees.

RITCHIE: That did have a big impact. That's why the Hart Building is there, among other things.

FERRIS: That's right.

RITCHIE: You had to put the extra staff somewhere. For a while there were apartment houses and hotels across the street that had been converted into Senate offices and the staff were working out of what had once been apartments.

FERRIS: Sure, but that was as late as '75? I thought it was probably a little earlier. Okay. But that was a doubling almost of what we had up there.

RITCHIE: In the mid-1970s a lot of the ways the Senate operates today were forged. Partly it was because of the Vietnam War and Watergate, which broke ties to the executive branch. And so Senators needed their own sources of information.

FERRIS: Yes.

RITCHIE: And the junior Senators didn't want to wait so long. They wanted to be part of the action.

FERRIS: Sure. It was the virus that brought in the class of '74 in the House. It was 85 members or something like that that came into the House. There was sort of a revolution that took place. The new Senators wanted to be a part of that revolution and justly so.

RITCHIE: That was when the cloture rule was changed in the Senate, too, in '75.

FERRIS: That was when it went to sixty, yes.

RITCHIE: There's a story in that some Senators, led by Walter Mondale, were trying to cut cloture to a simple majority, but Senator Mansfield is always cited as one of the reasons why they didn't reduce it to a simple majority. He felt that they needed more Senators to make a big decision.

FERRIS: Yes. Most of Mansfield's floor statements were written by Frank Valeo. But on that one, it was when the whole thing was being set up, and Hubert Humphrey was going to be in the chair. No, not Hubert. Yes, we did it when Hubert was the Vice President in '68 or '69, there was an effort made to change cloture at that time.

RITCHIE: A version of the "nuclear option."

FERRIS: Yes, that's right. But I worked out the scenario of how it was going to happen. It was just the idea that Mansfield had the right of recognition and therefore that gave him the right to control the dynamic. I'm sure I must have mentioned this before, but I went to Mansfield's back room in his office. Mansfield was there with Dick Russell and Clint Anderson. It was just on this procedure, and I had given him a memo about how it was going to play out, how if you appeal the ruling from the chair you can table it, and if you submit it to the Senate you can't, one or the other. We had it all worked out and so we went over it and Mansfield said, "Okay, you write my statement for tomorrow, Charlie." I said, "Fine." And I remember Dick Russell saying to me, "We've got a young fellow who I think is pretty good on the rules." I said, "Yes, sir." He said, "Talk to him." Well, he said, Russell Long! [laughing.] Russell Long was the "young fellow!" [laughing.]

But after Mansfield gave his statement on this thing late one day, it was one of the nicest compliments, Dick Russell came down and he knew I had written it because he was with Mansfield when Mansfield asked me to draft his statement. He said, "Charles," —he always called me Charles, he was very formal. He said, "Charles, that was the best statement on the meaning of the United States Senate I have ever heard." Of course, it helped that the statement agreed with Dick Russell's position. I was in favor of the two-thirds after the passage of the civil rights legislation. The bill was so strong because of that. If we had

majority cloture back then, Title 7 would have gone. Title 6 would have gone. Title 2 would have been emasculated to a great degree. I mean it was because you had that hurdle in the Senate and the South knew that they would have their day in court. So I was a believer in the two-thirds rule. But then Spessard Holland was the one that was very active in this. He was the one that wanted a constitutional amendment. Of course, it was silly having a cloture rule on a constitutional amendment. They were willing to go to sixty but they didn't want the sixty to be changed. I thought that if you want to change this rule you had to get two-thirds to change it?

RITCHIE: It's still two-thirds to cut off debate on a rule change, yes.

FERRIS: To change any rules. Yes, okay. So that's how they worked it out.

RITCHIE: They reduced it to sixty for everything but rules changes. That stayed at two-thirds, which means that a rules change has to be broadly accepted. Usually rules changes are unanimous.

FERRIS: Sure.

RITCHIE: There's nobody objecting at that point.

FERRIS: That's right. No one knows enough about the rules. Jim Allen and Dick Russell were the only two, really, when I was there who had a good understanding of the rules. I don't know how it is run now. When we had Charlie Watkins as the parliamentarian, what an incredible guy he was. Floyd Riddick was his assistant for a number of years, and he succeeded him. Then Floyd retired and Murray Zweben succeeded him. But then when the Republicans took over, they fired Murray and brought in Bob Dove, who was a Republican.

RITCHIE: Well Dove was the assistant. He was already there.

FERRIS: As the assistant, yeah. But Murray had not left.

RITCHIE: Right. Murray Zweben was fired in 1981.

FERRIS: Murray was fired so that Dove could get it. Bob was a good guy. I like Bob, too. But how do they do it now?

RITCHIE: The parliamentarian's office still does it by moving up. They start people in at a beginning level and usually it takes them years to learn the parliamentary procedure before they can move up. Bob Dove actually was fired twice; once by the Democrats in 1987, and once by the Republicans in 2003. First by Senator Byrd and then by Senator Lott. Alan Frumin was his assistant and Frumin moved up and then moved back down and then moved up again. He's now the parliamentarian.

FERRIS: Okay.

RITCHIE: There are some people saying that the parliamentarian is standing in the way of reconciliation, and that's the way they should get the health care bill through the Senate. But in fact, if for some reason they should get rid of him, his assistant will move up and probably make the same ruling that Frumin would. But they can't bring anybody in on the top-level position. It's almost an impossible job to step into.

FERRIS: Well that's right, to assimilate those rules. It's just an overwhelming forest of trees.

RITCHIE: And the parliamentarian has to be accepted as the fair umpire. If you tried to bring in someone in at the top, it would be like the home team hiring the umpire. You know that the visitors are going to object.

FERRIS: Yes, that's right. None of the Senators get involved enough to be able to even argue with the parliamentarian. They just take what he offers them. And, you know, it's good that they do it. At least it's someone with expertise that is making the recommendation. But the thing I've wondered is when we sent things to conference, the conference committee could only come back with something that straddled the two positions. Now they seem to go way outside of the parameters. Is that right?

RITCHIE: Well, especially on appropriations bills things would come back in the conference report that had never been in either the House or Senate bill.

FERRIS: Yes.

RITCHIE: Now there are some restrictions as to what they can do in conference. But the two bodies have gotten to the point where they sometimes don't even go to conference. They just keep amending the bills and they ping pong them back and forth to avoid a conference committee. That's one way for the majority to limit the role of the minority.

FERRIS: They ping pong it back to the other house?

RITCHIE: Yes, basically they amend the bill and they send it back, and then the other house accepts it or amends it again and sends it back for acceptance or further amendment. So in the last several Congresses there have been fewer conference committees.

FERRIS: That's interesting. Well, that certainly takes any discretion from the parliamentarian who would have to rule, if someone raised an objection. But do the rules still say that you have to sort of come within the boundaries of the two houses?

RITCHIE: Essentially, yes. They've tried to restrict them because they were getting pretty far afield. Of course, a conference report, when it comes back, has to be voted up or down. You can't amend it again and that creates problems in the process. But the ping pong approach only works if the same party controls both houses. In which case the leadership in the one can negotiate with the leadership in the other.

FERRIS: I didn't realize they were doing that now.

RITCHIE: Part of that is because conference committees are supposed to operate in sunshine rules and it's hard to cut a deal when you're on public display.

FERRIS: Now, they just talk on the phone. They always cut the deal or staff cuts the deal and then it's just a formality when they convene the conference committee.

RITCHIE: Yes, that's right. Sometimes the conference committee becomes just a photo op, before they adjourn to the back room where the things actually happen.

FERRIS: Absolutely. I remember when I went down to the FCC, they adopted sunshine rules and the Commission thought this was terrible. I said, “Boy, I think they’re helpful, at least to me.” I said, “As the chairman, no four commissioners are going to get together and take control of the Commission, but every commissioner can talk to every other commissioner individually one on one and line them up that way.” I thought it enhanced the power of the chairman. But when I went down there they thought, “Oh boy, does this hurt.” I said no, I didn’t think it hurt at all. I don’t think it hurts in the Congress, either. It’s probably some of the conversations that are now had in the cloakroom, or on the telephone or in someone’s office. But I don’t think the Sunshine Rules substantively affect outcomes.

RITCHIE: One of the things that Ted Kennedy said in his book is that these days ninety-five percent of the nitty-gritty work of writing the bills and even negotiating the bills is actually carried out by the staff. He had seen the movement in the years since he had been there.

FERRIS: Well, I think probably a great deal of it was staff back then. I think the staff probably was more subtle and didn’t exhibit that they had the power to do it and used to program their principals to deliver the words on both sides. But now I think the staff probably has that independent stature of their own. Yes, I think that’s probably the case. But I think of Larry Woodworth. Do you remember Larry?

RITCHIE: The tax—

FERRIS: The Joint Committee on Taxation staff director. He would staff Ways and Means on the House floor and the Finance Committee on the Senate floor. Talk about a guy who had bridged it all. He handled it magnificently. I don’t think anyone had any idea what side of the partisan aisle he was on. He was an incredible talent. God, they worked him to death. I remember when he went downtown in the Carter administration. He went down to Treasury as the assistant secretary in charge of tax policy. But the Ways and Means and the Finance Committees never accepted that he had a new job at Treasury. He was still going to be the committee’s chief advisor. He did respond to their requests. Larry didn’t know how to say no and they said he worked himself to death. He had a stroke, I think, down in Williamsburg. He was a magnificent guy. He was probably one of the best that I came across.

RITCHIE: Because he knew his information?

FERRIS: Oh, he was so well informed. Someone would come up with an amendment and he'd call down. He would call someone down at the Treasury, and they'd get what the revenue impact would be. Most of the time he could give you a ballpark estimate what the revenue impact would be of a particular amendment. And when he said something, no one said, "Oh, I want to get another opinion." If Larry said it, they believed it, because they knew that he played it straight. And he did. A good man.

RITCHIE: You mentioned before that you were briefly with the House of Representatives and when Senator Mansfield left the Senate you spent a year over with Tip O'Neill.

FERRIS: Yes.

RITCHIE: How different does the world look from the House side than from the Senate side?

FERRIS: The House side is so much more democratic in the broadest sense. I mean, the Senators did have a toga complex. They had that sense about who they were and how they should be treated. But over in the House it was very different. With limited debate under the House rules, no member of the House had that immense leverage each Senator has on every bill. I thought it was such a different dynamic. The short time I spent with Tip over there, I had contact with so many members of the House. After I left Tip's office, they always just remembered that I was general counsel to Tip O'Neill. That was just a small part of my background with the Congress, but that was the perception they had, which was fine. I don't know if they were discounting the Senate as having any real value [laughing].

But I had much more freedom. Like I could go on the floor of the House and sit down beside a member and have a chat. Or they can come and sit with you and have a chat on the House floor. That made information flow very, very easy. It was very helpful. But Tip O'Neill was the ultimate politician. He could read a room so well, the political situation so well. He didn't need me as his eyes and ears in the House when I was over there. He picked it all up himself. So it was very different than what I was able to do to a great extent for Mansfield over in the Senate. Mike Mansfield was so much of a loner in comparison to

most Senators. Tip O'Neill wasn't like that. He loved the rough and tumble of the House and getting in the middle of it all. He'd listen and he'd hear and he'd have a sense of where his party was going to go. I think Bob Michel was the only name he knew on the Republican side. He and Bob Michel had a very good relationship. But everyone has a good relationship with Bob Michel. He's still to this day that type of person.

Talk about how the bodies operated. You know, Lou Deschler, the parliamentarian over in the House, didn't even have a book of the rules and its precedents. He had them in his mind. So you had to go to him. And there was no appeal from him. I think they've reduced things to writing now, at least I've been told that. But he was just a power base in his own right and he didn't listen if the Speaker said, "You want to do this." He'd say, "No, you can't do this." And the Speaker would have to take it. Because there was no appeal. No one knows where to go to find out. He probably had things written down somewhere, but he didn't share that. They used to have the *Senate Procedure* book, and the precedents were updated periodically. They didn't have that over in the House. He just let them know. And of course they had the House Rules Committee, which was so blatantly powerful. They set the terms and conditions when a bill came to the floor. I don't recall any time when Deschler took on the Rules Committee. I don't even remember a situation where it could have happened, but I don't think it ever happened. He probably was reflecting the wills of what he thought the Rules Committee wanted: how they would want the process to move forward? Who's the parliamentarian over in the House now?

RITCHIE: Gee, I don't know the name of the current parliamentarian. [John V. Sullivan]

FERRIS: Jim Johnson was Deschler's deputy. He probably replaced Deschler.

RITCHIE: When the parties changed in 1995, the Republicans dropped the parliamentarian. They had been in the minority for forty years and decided that anybody who worked there must work for the majority.

FERRIS: So they brought an outsider in?

RITCHIE: I'm not sure how they did it, but just cleared everybody out.

FERRIS: What year was this?

RITCHIE: In 1995. That was right after the '94 election when Speaker Gingrich came in ready to change everything, including the names of most of the committees.

FERRIS: One thing that Gingrich did that I thought was so positive, you could only serve on a committee for six years as chairman. You had to rotate. I remember talking to Tom Foley. He wished he had that rule.

RITCHIE: Well, Foley was Gingrich's predecessor.

FERRIS: Was he defeated in '94?

RITCHIE: In '94, right.

FERRIS: I remember we had lunch after that and he said, "Boy, what a rule that is." He and Tip O'Neill had some entrenched chairmen to deal with. They had Jack Brooks over there, and Jack Brooks listened to no one. John Dingell listened to no one. Dan Rostenkowski listened to no one. They were warlords. They were able to trump the leadership. There's no doubt about it. The idea of the leadership having input into who's going to chair the committees is very attractive. When did Les Aspin take over from the congressman from Illinois as chairman of Armed Services? Was that back in '74?

RITCHIE: Somewhere in there. [1985]

FERRIS: Yeah, when the big class came in.

RITCHIE: Was it[F. Edward]Hébert they ousted?

FERRIS: Hébert was from Louisiana. I think it was [Melvin] Price. He was an old, old-timer. He was really a very nice man, but he stayed too long. I remember talking to Barney Frank when it happened. I said, "You know, it's a big precedent." Les Aspin was sort of a strange guy. He was a loner. He had the personality and profile of Bill Proxmire. Bill was probably his mentor mentally. I was talking to Barney about it and he said, "Yeah, it's going to be a change." I said, "The thing that I think is going to be positive is when the

Armed Services committee has a dialogue with the Pentagon, you're going to have someone who knows how to ask the questions and understand the meaning of the answer." And that's true, that was the case. But Les had other failings. He wasn't able to communicate with his own committee members. I don't think he had real control of that committee. But it was a significant precedent that I think was a very positive one. I mean, I think Carl Hayden was ninety-three and still chairman of the Appropriations Committee, and [Theodore Francis] Green was chairman of Foreign Relations in his nineties.

RITCHIE: Now both Democrats and Republicans in the House have the six year limit, and Senate Republicans have a six year limit. The Senate Democratic Conference has not limited their chairs as of yet. But we did go through a switch after the Republicans had been in the majority for over six years and a number of chairmen had to step down. The way it worked, they all wound up chairing other committees.

FERRIS: I just think the whole question is one of a stale record. I mean, the questions you asked twenty years ago and got valid answers, would get different answers today because the circumstances have changed. But they didn't ask it because they already knew that. That's the value of the turnover. I had that when I was down at the FCC. Talk about stale records. When I went down there as chairman, I didn't have any telecommunications background. I'd go to the Commission meetings, and I would ask the people from the bureaus who were presenting the items to the Commission what the basis of any proposed change was, and would develop the whole item piece by piece. It was not enough to say it has always been done that way. They'd come up and present, and we'd say, "All in favor, aye." But I made meetings go much longer. I wanted to be educated. I didn't want to accept things. I wanted, at least, to use them to educate me, and it was very useful. But there were an awful lot of stale records over there at the FCC when I came. It wasn't because people had a conspiracy going on, but it was just the idea that I think that's the way things happen. You ask a question and you get an answer and you think that answer is going to be valid forever. And it's not. That's why I think the House is right on the rotation of Chairs.

RITCHIE: After they came back to the majority they carried over that policy.

FERRIS: Good, good, a good carry over.

RITCHIE: As different as Nancy Pelosi is from Newt Gingrich, she's kept a lot of the practices that he established, because it concentrated more power in the office of the Speaker. Just as Gingrich carried on the same concentration of power that Speaker Jim Wright employed. Senate Majority Leaders like Harry Reid will lament publicly that they wish they had the kind of power that the Speaker of the House has and that Senate leaders just don't have.

FERRIS: I think that would be a big change if they nominated who were going to be committee chairs. That would give a little more responsiveness to the leadership. Now a chair probably can ignore the leader. And the leader in the Senate still is the chair of the Steering Committee and chair of the Policy Committee.

RITCHIE: The Democrats have now given the Policy Committee to someone other than the floor leader. I think it is Kent Conrad who currently chairs of the Policy Committee. Previously, Senator Mitchell split it with Senator Daschle as co-chairs of the Policy Committee, and Daschle carried on the practice when he became leader.

FERRIS: Well, when did the Policy Committee stop meeting as a small committee and having a caucus?

RITCHIE: I'm not sure exactly when, but I believe it was in the early 1980s, when Democrats were in the minority.. I think it's something that they adopted because the Republicans were doing it. It was also because the work week had gotten concentrated to Tuesday to Thursday. They began holding regular Tuesday lunches, and instead of just having the Policy Committee, they opened it up to everyone in the Conference. And when they needed to vote as a Conference, they could go into Conference mode because they were already there in one place. It was convenient for the leader because it was the one time of the week he could get everybody in the same room and try to work something out.

FERRIS: Yes, but the Senate Republicans always split their leadership.

RITCHIE: Oh, yes.

FERRIS: There was a floor leader, a Republican Policy Committee, Republican Conference. So the floor leader couldn't use the Policy Committee or the Steering

Committee as an instrument of his leadership.

RITCHIE: Right.

FERRIS: We usually met on Tuesdays and the Republicans always had a caucus on Tuesdays, a luncheon caucus. That's too bad, because I think the Policy Committee is a very useful vehicle for the leader to float trial balloons on legislation.

RITCHIE: I frankly don't know if the Policy Committee continues to meet separately anymore, but I know that now it's essentially the entire Conference that gets together.

FERRIS: Do they ever call a meeting of the Conference?

RITCHIE: Yes, depending on the circumstance. Most of the time it's called a policy luncheon. But when they need to be a Conference, to take a vote, they can go into Conference mode. And the leadership can also call separate Conferences.

FERRIS: Yes, they have to do that at the beginning of a session to ratify the Steering Committee's recommendations for committee assignments.

RITCHIE: Unfortunately, the minutes that we have only go as far as 1981, so I don't know what the practices have been since then. I haven't seen the specifics after that date. But that's my sense of what they do now.

FERRIS: You have them, what, from '64 to '81?

RITCHIE: Right, that's the part we're working on. We're planning to produce two volumes. One will be the Mansfield years; '64 to '77. And then the other will be the Byrd years from '77 to '81. They're going to be quite voluminous, because these transcripts are quite lengthy. One reason why they cooperated with us is because they really like having their minutes indexed so when they're looking for something they can find it quickly. We can scan the minutes and have them online and do an index for them as well.

FERRIS: That's good.

RITCHIE: Well, as I said, it was only after 1973 that they did it. I noticed that the minutes were getting longer and longer. I don't know who was keeping the minutes, but they may have complained after awhile that it was getting to be quite a chore to do it.

FERRIS: I did the minutes when I was there in the Policy Committee.

RITCHIE: Oh you did?

FERRIS: I think the Policy Committee evolved into something that was more open ended. I think the members liked it and they used it as an opportunity to float ideas. But I think now it seems so different . It seems as if the legislative process is eliminated. The chair or the subcommittee chair will introduce a bill that's always been worked on before introduction and that's the bill. Here it is, don't play with it. It bypasses the strength of the institution. Wilbur Mills never introduced a bill. He always placed the capstone on the tax bill in the Ways and Means committee, but everyone else was pushing and pull; he had the capstone. Everett Dirksen was the same way in the Senate. He never had a bill other than the flower that he wanted [to make the marigold the national flower]. But he was a big capstone-type person. That's how the process is supposed to work. I don't know if that's been lost, but it seems that the chair of a committee; whether it's Ed Markie or the chair of the Finance Committee, Max Baucus. The health bill had six people working on it for months. They represented two percent of the country. They obviously had great discretion to shape the bill without strong constituent pressure. This can be a great asset to be free from accountability back home.

So that's the way it is. It's going to be interesting how that happens. People were criticizing [Barack] Obama for just sending an idea up there, a concept, and having them do it. I said, that's a brilliant stroke, because what you're doing is you're going to have six committees all competing with each other to get out the first bill. And they're going to be working and competing and all their energy is going to be competing with the other committees to get something out. Then when they get something out, that's when the White House can come in, ideally at the conference committee, and then the White House can swoop in with their policy. They don't waste their candle before. I think that wisdom has been lost to so many.

By comparison, you just have to look at the Clinton health plan. He sent them up a nice package, well structured and defined in detail. The Congress said no. It was too much for them to assimilate. But I think they're going to get something. I'm at a distance, but it seems to me that the dynamic is right for them to get something. Do you?

RITCHIE: I think they're afraid to fail. That they see what happened in '94 as the example of the consequences if they fail to come up with a bill. What they can get is another matter. We have a lot of commentators who say, "Well, this whole process has been a mess." And my response is, "All legislation is messy. You just don't pay attention to it most of the time."

FERRIS: Absolutely.

RITCHIE: It's a matter of compromise and seeing what you can get into the bill, and what you can take out of the bill.

FERRIS: Yes, and the Senate's mind can only focus on small pieces. Something has to be symbolic of the whole thing. Because that bill must be two thousand pages or something like that. Not one of those Senators or congressmen read it. So who knows what's in it. It's always someone has told them what's in it and it's only some provisions of the details in those bills. But if you can control the public dialogue from the standpoint of keeping it on certain issues, you can get an awful lot done behind the scenes in that bill. I'm sure that's going to be the case here. It's probably going to come down to the public option or not, but everything else will probably be the way they want it. I think that would be unfortunate, because I think the public option, personally, is necessary to hold the whole thing together.

RITCHIE: The limitation on reconciliation is it can't increase the federal deficit. So there is a revenue neutral factor there.

FERRIS: So the Congressional Budget Office really is the one that has the control?

RITCHIE: And the parliamentarian also has a say in that as well. You're not supposed to be able to run through something that would authorize huge expenditures on a reconciliation bill.

FERRIS: What is the time frame?

RITCHIE: I'm not sure how they work that out. But in 1981 they ran Ronald Reagan's tax cuts through on the grounds that it wasn't going to increase the deficit, and it wound up increasing the deficit enormously.

FERRIS: Sure.

RITCHIE: Because they used reconciliation loosely in 1981, after that they put some limitations on how it could be used.

FERRIS: Did they actually modify the reconciliation process?

RITCHIE: There's something called the Byrd rule that stipulates that the parliamentarian has to make some assessments in the process, which is the reason why the parliamentarian is in the middle of this fight right now. He's got to look at all of this and see whether it fits.

FERRIS: The Congressional Budget Office always seemed to have a sense of calling it pretty straight and non-partisan. Do they still have that reputation?

RITCHIE: Yes, I think so. The Congressional Budget Office has been shaken up at various times. But because it has to respond to both the Senate and the House, and because it's got members in both parties who are keeping an eye on it, they've kept it fairly neutral. I think it's probably irritated both parties at different times, which is a good sign of neutrality.

FERRIS: Yes. But I would think that the parliamentarian would rely upon their estimates for his own, because how could he make the estimates himself?

RITCHIE: Right. They have to make a case for it, I guess. But the parliamentarian is now responsible for making some major judgments. That wasn't the case when Watkins and Riddick were there. I'm not sure the current parliamentarian really relishes that role. It's been thrust on him in some respects and puts him in a difficult position a lot of times.

FERRIS: Absolutely. He has to choose sides. You're going to make one enemy and one friend. One side's going to win. And it's unfair to throw that on someone who's not supposed to have a political job. How is this new parliamentarian? Have you had a lot of dealing with him?

RITCHIE: Alan Frumin? He has been there for thirty years like me, and so I've known him for most of that time period.

FERRIS: Well, he probably came after I left in '76.

RITCHIE: Yes, I think he came around '78 or so.

FERRIS: Okay.

RITCHIE: He's a very quiet person. He plays his cards very close to his vest. He doesn't volunteer a lot of information and that's probably kept him on the job as long as he's been there.

FERRIS: That's right. And does he have deputies that have been with him for a long time?

RITCHIE: Yes. His deputies have been there for quite a few years as well, There are four parliamentarians now. Each one has so many years of experience. They rotate on the floor regularly, and they're working on a new precedence book but it always takes longer than they estimate.

FERRIS: Oh sure, absolutely.

RITCHIE: And of course, the precedents keep changing constantly. So the only staff person on the desk in the Senate chamber who can have a computer is the parliamentarian. That's the one thing that Watkins and Riddick never had, a computer. They had to keep it in their heads. But the parliamentarians now can check to see what the precedents are on some issues.

FERRIS: Charlie Watkins was the journal clerk. They didn't have a parliamentarian before him. I think he came to the Senate in 1912, about the time when Carl Hayden came. The parliamentarian's job didn't exist. But since he maintained the journals, he had all the precedents. The journal clerk was in effect parliamentarian. At some point in the distant past, the Senate established the position of parliamentarian. Charles Watkins moved into that newly established position. During my years, Floyd Riddick was his assistant. Who is the journal clerk now?

RITCHIE: Scott Sanborn is the journal clerk now.

RITCHIE: The legislative clerk was ten years younger than I am and he just retired. He just wanted to spend some evenings with his family for a change. I used to see him during the day and then I would go home and at ten or eleven o'clock at night, I'd turn on C-SPAN and there he would still be. The demands on the floor staff are really intense.

FERRIS: [Edward E.] Ted Mansur was the legislative clerk when I was there. He was a grumpy old ham. It seems that there's a woman now who's reading the roll.

RITCHIE: Yes, Kathy Alvarez is now the reading clerk. Dave Tinsley is the person who retired and his predecessor was Scott Bates, who was killed by a car during the Clinton impeachment trial. That was a very sad moment for the whole Senate because he was a very well-liked person up there.

FERRIS: Well, the House and Senate evolved in different ways.

RITCHIE: But the House reverted to much of what it had been before. They renamed all the committees the original names. There's a certain familiarity that is hard to change. But the Speaker concentrated a lot more power in his office. And the current Speaker has kept that pretty tightly as well. You know politicians, once they get power, don't like to give it up.

FERRIS: It's like the real estate in the Capitol. You know, the offices the Senators have in the Capitol. My God, those are the things they really fought over. They never gave up anything, Mansfield even. Mansfield was not that type of person. But he had the LBJ room, you know, those suite of offices, which he never used. And poor Hubert Humphrey

had very little. And then he had the suite 208. I don't know if that's his office now.

RITCHIE: No.

FERRIS: Because the Secretary of the Senate's office was 212 over on the other side.

RITCHIE: They switched and now the Democratic leader is where the Secretary's office used to be.

FERRIS: Okay.

RITCHIE: And the Secretary is now up on the third floor.

FERRIS: 307?

RITCHIE: No, on the other side where the Radio/TV gallery used to be.

FERRIS: Oh sure, okay.

RITCHIE: The Radio/TV gallery now has a much larger space, where the Senate Document Room used to be, in the middle on the third floor across from the Senate galleries. So the Secretary's office has gotten smaller and the Senators' office have grown. The Republican Whip now has the offices that Senator Mansfield used to have.

FERRIS: Oh really? The Republican Whip is there?

RITCHIE: Yes, and the Democratic Majority Leader is on the other side. The Democratic Whip is upstairs where the Sergeant at Arms used to be.

FERRIS: Oh, okay. So right above the leader then?

RITCHIE: Yes. So real estate is still a premium.

FERRIS: They're not making any more [laughing]. Boy those are the fights. I was always surprised that the Policy Committee had really prime real estate. Do they still have that?

RITCHIE: They have the rooms down in the Brumidi Corridor.

FERRIS: 118, 119.

RITCHIE: Yes, right.

FERRIS: Yes, they are magnificent offices. You had a chandelier in there and it was impressive. Bill Fulbright came in there one time to see me about something and he said, "Wow, how the hell do you have this office?" He said, "I'm going to go for this office." And I said, "You're not going to be able to get this office, Mr. Chairman." Mansfield was very protective of his real estate. He never used it all, but he had that instinct that they all have. Foreign relations is still at 116?

RITCHIE: Yes, right.

FERRIS: Okay.

RITCHIE: Recently I've been interviewing a Marty Paone, who was the Democratic Secretary in the 1990s. He pointed out that when he was with the Policy Committee his base of operation was supposed to be that room downstairs on the first floor, but he was always on the Senate floor. All he did in the morning was come in, take his coat off, put his lunch in the refrigerator and then go upstairs to the floor. He said he almost never was downstairs in that nice office that was available for him.

FERRIS: Yes, well we didn't have the same hours back then. We used to work Saturday mornings, too. Because Mansfield came in Saturday mornings, we always came in. But it was a great office. You know Mark Shields [the political commentator]?

RITCHIE: Yes.

FERRIS: Mark Shields was married in my office up there. Harold Green was the judge from the district court who oversaw the breakup of AT&T and oversaw that consent decree for ten years. He was a magnificent judge. He had been the assistant attorney general for civil rights when they created that job in the '57 Civil Rights Act. And he came up and married them in my office, because it was a beautiful office. Mark was with [William] Proxmire at the time. He started his political career as a legislative aide to Proxmire. He's done very well and he's still very lucid. He and David Brooks are really a great combination on the Jim Lehrer show [the PBS News Hour].

RITCHIE: Yes, he does cut right through it when he makes an assessment.

FERRIS: I came back from New York on a train about a month ago. I always find in the summertime, with the thunderstorms coming into Washington, you get tied up up there at LaGuardia [airport]. It's really very pleasant coming down on the train. Jim Lehrer was on the same train with his producer and we chatted a little bit. He said, "you're a friend of Mark Shields?" I said, "Yes, I am. We go way back." And I said, "I think Mark and David Brooks do a great job. Mark and [David] Gergen did a great job, too." And he said, "Yeah." Because they were really very good. He said, "You know, we have a conversation before the program about what we're going to talk about. And so we go back and forth." And he said, "Mark will come out with one of his crisp little zingers in the conversation before." Then he said, "When I get on the program, I'll take his zinger and use it in a question. [laughing] And Mark will protest that I'm stealing his material." But he said, "You don't realize it but Mark spends so much time researching the entire week before that program." He has more interns working over there, running and getting this, getting that. It's not just right off the top of the head. Well it can't be. You wouldn't survive if it was just breezy top-of-the-head-type stuff. He said, "He really works very, very hard putting together his materials for the program." Which is very interesting because, you know they're on what—the segment is five or eight minutes? Or ten minutes at the most? And he spends most of the week researching for it. I didn't realize that. That was good to hear.

RITCHIE: Well, there are a large number of Capitol Hill alumni who are scattered around the city; working in the executive branch and in the media, whose experiences on Capitol Hill was a launching pad for them in many ways.

FERRIS: Oh, it's the best. Forming a sense of how the place works. Gary Hymel was up there.

RITCHIE: Yes, with the Speaker.

FERRIS: Is he still around in town?

RITCHIE: I don't know if he's still in town. He had Louisiana roots.

FERRIS: Yes, he came up to work for Hale Boggs. I liked him. Gary was a delightful guy. When Hale Boggs died, Tip kept him on as his guy as Whip. And then he kept him as leader and as speaker. Gary was a great political animal who didn't have any apparent ideology, but he had tremendous memory. He was great with people. Great recollecting issues development and who's on which side of what. So he was a great asset, I thought, to anyone up there.

RITCHIE: There's been an interesting development in the political parties since the 1970'. When you were there, there was almost never a party-line vote on any issue. Now almost every vote on Capitol Hill is a party-line vote, in the House and in the Senate. It strikes me that in the '70s the staff had to be more neutral because if you were in the Democratic side, you had a lot of conservative chairmen of committees as well as a lot of young liberal members. In the Republican party, they had everyone from Jacob Javits to Roman Hruska.

FERRIS: Yes

RITCHIE: So you really couldn't steer it in one direction or the other. You had to serve the whole party. Now the whole party is either the liberal party or the conservative party. There are very few exceptions in either one of the Conferences.

FERRIS: Well, the party identification was never prominent in our legislative decisions. The center of gravity of the Democratic Party was much more progressive than the Republicans. But the Republicans had people who were as progressive as any Democrat. Javits, Case, and Chuck Percy, Ed Brooke, and Tom Kuchel were very progressive Republican Senators. But there were more in the Democratic Party. So the center of gravity

was different and needed to be assessed as each issue was scheduled on the floor. As a staff person, I had to be subtle in engaging in this process, and never flaunt my participation.

I had one instance that could have blown up on a trade bill. It was right before the August recess. I used to go up to the Senate gallery when the session was out and sit and play Hearts with some of the reporters. Some of my best friends were there in the gallery. It was good for me to get their vibes and what they were picking up on issues. All conversations with them were off the record, on deep background. No way of tracing attribution for anything I said. It worked beautifully. I was able to give them perspective on certain things and they provided me with great intelligence. Mike Mansfield did not have a press assistant his entire career. But there was a new guy for Reuters. He listened in one time (I think in 1972), when we were talking about a trade bill, and the House was saying we were going to pass it before the August recess. I said, "There's no way that's going to be scheduled or passed before the recess." I gave some reasons and whatever. And damn it if the *Baltimore Sun* carried his story on their front page. The worse thing was I was in the lead paragraph, Mansfield was in the fourth paragraph, and Wilbur Mills was in about the seventh paragraph. Now the big thing is, they have to be elected, not me. Mansfield, he read the paper and he saw that report and he said, "Thank God we're going on August recess, because Wilbur Mills would probably be hunting you down." But Mike Mansfield didn't have a problem. He was a most unusual elected official. But boy that Reuter's reporter, he was never in my company when I talked about anything. He didn't play by the rules.

Today, there are no such understandings and as a result you don't have the ability to have conversations with members of the press in an easy way. John Finney of the *New York Times* covered the Senate for years. Maggie Hunter covered mostly the House. She was a very good reporter. And David Rosenbaum, he covered the Senate as well. At first, the *New York Times* reporters covered everything in one chamber whether on the institution or on substantive issues. They covered the executive branch on issues that were before the Congress. All had tremendous ability and capacity. They were nice folks and easy to talk to. There was no pretense to them. You could have a conversation with them, and they knew what the limits were. And I knew. But now I think that maybe it's not that way. Everything seems to have changed. It seems like everyone tries to get a leg up, use that type of relationship or input for leverage. I'm glad I'm not there. I guess you'd adapt to doing it, but it wouldn't be as enjoyable as it was. I think every generation probably says that, don't they?

RITCHIE: I suspect so. I suspect that the same complaints probably are there all the time. But one change is that reporters are not just writing for newspapers, they're also writing for the website. The print reporters now come with cameras to take pictures because they're doing the web story along the way. Some of the older Senators have a lot of trouble distinguishing between television and newspaper people. When a newspaper reporter tries to film them, that throws them off altogether.

FERRIS: Do they actually have a camera?

RITCHIE: A few of them do. Senator Ted Stevens was in the hallway outside the Senate chamber one day, and a reporter held a little hand-held camera up to take his picture. He just got furious and accused the reporter of ambushing him. Because that was not where filming took place. He would talk to him in the Radio/TV gallery, but he didn't want to be ambushed, as he said, by somebody with a little camera in the hallways.

FERRIS: They can do it with a cell phone now.

RITCHIE: Exactly. But they're doing this because they're creating something for the website as well as for the newspaper because that's where the ad revenue is going right now.

FERRIS: Yes, that's where all the newspapers are going. It's sort of sad. But that's generational too. I think the young generation prefers to get it on the screen. I just love the experience of reading a newspaper, but that's generational.

RITCHIE: I wanted to ask you about after you left the government and came into a law practice. Did you continue to have connections with Congress; with the Senate and the House?

FERRIS: Yes, but mostly on a personal rather than professional level. Tip was Speaker until he retired in '86. You could sort of walk in with Tip. Leo Deal would be outside. He was Tip's goalie and once in Tip's office Leo would prevent interruptions. I was in a couple of poker games with some members from the House side. And so we had a lot of contact there. Phil Burton was one of the organizers of those poker games. The House was much more informal, and I enjoyed that environment. There was a bar down here on 18th

Street or 20th Street right near the White House. It was the Class Reunion. Do you remember that?

RITCHIE: Yes.

FERRIS: Well all the press from the Hill used to go there on Friday nights. And I used to go down there and we used to have sort of a good session down there. I think there must be another place that's taken over from that.

RITCHIE: That's gone, yes.

FERRIS: It probably was because I enjoyed the give-and-take up there and the press were very bright generally and the staff were very able and bright. So yes, I did keep contact, but it was in an informal way. I had a couple of clients in the mid '80s, after I came into private practice. Jack Valenti and I used to have a dog-and-pony show on the video tapes issue. When the machines first came out Jack Valenti thought it was going to kill Hollywood. That issue lasted for about two or three years. There were an awful lot of people—I think every law firm in town had some piece of that videotape dispute. I'd visit with Senators on that issue. Mostly in the Senate rather than the House on that issue.

The thing that I always liked most when I returned to the Hill was the reaction from Senators who would say, "Why don't you come up more, Charlie? We don't see you enough." And I felt good.. You knew you weren't wearing your welcome out when they had that reaction. I did the same thing over at the FCC. I don't go over to the FCC. I don't go anywhere now. But back in the '80s when I first came out of the government, I had Ted Turner and Chuck Dolan as clients. You would have issues and they'd want to meet with the commissioners and the chairmen. So I'd go over there then. But I'd never walk the corridors over there. You don't have to. It's all by written presentation. But it's nice when you go and they say, "It's good to see you," rather than hiding when they see you come down the corridor. I kept it on terms that I was very comfortable with and I think they were as well.

But you don't get that environment out of your system. My congressional years provided me with a tremendous opportunity to participate on the important issues that were the country's agenda. It was a rare, rare privilege to have been up there. The relationships

that you developed over the years have lasting ingredients in shaping your life. So I felt good that I didn't abuse any of their relationships in their mind, and not in my mind, either.

RITCHIE: There's certainly a legislative impact as well. The legislation that you were involved in had an enormous impact.

FERRIS: That was the great era. I was sitting in as the backroom lawyer on the Civil Rights and Voting Rights legislation. I have said to myself so many times to this day, this comes once a millennium when someone has an opportunity at this level to make inputs. I look back on my career and that was the most significant period—I said to myself it's too bad that I peaked professionally at the age of thirty [laughing]. But you know, there was no other event in my professional life that can match that period of time when we were doing such significant things. And they have remained significant things. Barack Obama is a result of the Voting Rights Act. The South being all Republican was a result of the Voting Rights Act. But that's great change for the better for the country. To think that you had a little part in it. It was a great, great time. Great opportunity.

As I said, I peaked professionally, because nothing can give you the same satisfaction. When I went down to the FCC, I remember Newton Minow saying to me, "This is going to be the most challenging job you could ever have." Well, I didn't know anything about telecommunications, but I'd been dealing with policy for fifteen years on the Hill. I had to change gears, but there's an approach to how you do these things and sort out the factors that are important. So it was the same thing down at the FCC. It was just very fortunate to have had that background and to be able to go down and it was not nearly as challenging as some of the things I had when with the Senate. And not as rewarding. You were the point person, and you weren't a staff person. You were running the show, so it was you who was on the line. That's the way it should be and I was very comfortable with that. You had people catching your coat before it hit the ground and kissing your earlobes. But the experience on the Hill taught me that people kiss the earlobes of the title of the person, not the person. I never forgot that. They weren't laughing at my jokes now because they were any funnier. So you got a perspective that was very, very helpful, very stabilizing. For me, at least, it made it easier for me to conduct myself in those circumstances.

Then you come into private practice and there's so much money being made. But lawyers aren't worth the amount of money that they are billing. I think the law firm business

model is going to collapse, to implode. The hourly fees have gotten so high now—getting paid by the hour. You should be paid by the value of the advice that you give. Sometimes you can give something that is of tremendous value and it's worth tens of thousands of dollars for that one afternoon of advice. That, to me, would make more sense on the outside if you got a bill for that. Whereas, just grinding out hours is not the best formula. To make a transaction to a fee for service now will be the real challenge.

But healthcare is the same thing. Doctors' behavior is going to have to change and I think we're going to have to generate so many more doctors in the country, family physicians and point people who deal with patients, whether they're going to be physicians assistants or nurses. I was on Medicare and my doctor, who I had since 1965, retired. So I said, "What do I do now?" I'll have to get another doctor. I didn't realize how difficult it was to get a doctor when you're on Medicare. I told my brother, "You know, we're going to provide insurance to everybody but no one is going to be able to get a doctor. We'll all be insured, but we'll have no medical care."

One of my neighbors was a retired faculty member at Johns Hopkins. She gave me a couple of names. These were Johns Hopkins-trained people and she said that "each would be great." So I called. I spoke to their assistant. They took all my information and I said, "My doctor retired and I need a new doctor. I don't have any ailments. I'm not sick." And she said, "Fine. And insurance?" I said, "Primary is Medicare and secondary is Blue Cross Blue Shield." Two hours later she called back, "The doctor's not taking any new patients." I called the second recommendation and gave them the same information. No reaction. A call back in a couple of hours said, "not taking any new patients." And I asked, "Is it because I'm on Medicare? Is that determining the decision here?" She was very calm. She said, "We can only take so many patients on Medicare." If you're a new patient, they can say, no, we don't want a new patient. I said, "Boy, that's going to be pretty tough when doctors can say, I don't want any new patients." But it turned out a friend of mine had a doctor who they were very friendly with and got me in to see him and he accepted me as a new patient. I'm healthy as can be, so they know that I'm not going to be a nuisance.

But I think that's going to be a real problem if we put forty-five million more people under insurance in some sort of system, do we have the doctors for that patient load? They all go to the emergency room now, I guess, for Medicaid. But if you're going to try to service these people and have preventive medicine as sort of the policy that guides everything, where

the hell are we going to get all the doctors? There has been a mechanism in the past that the AMA used to accredit medical schools. They put a limit at how many students they could have at each medical school. That's how they kept the lid on how many doctors there were going to be. I don't know if they still do that, but they're going to have to change that whole dynamic. I'm sure they're thinking of that up on the Hill.

RITCHIE: The interesting thing about legislation is not only the intended consequences, but the unintended consequences. Any bill of a major nature is going to have rippling effects.

FERRIS: Oh, absolutely.

RITCHIE: You hope that people are anticipating, well if you do this, how will it affect people on Medicare? How will it affect this or that? The number of doctors has got to be part of the consideration.

FERRIS: And this type of concierge type of medicine, where you pay two thousand dollars to the doctor every year but he's at your call twenty-four seven, but he reduces significantly the number of patients seen. Whether he has six hundred patients all paying two thousand dollars a year for the privilege of having a doctor answer your call and getting the best medical care. You don't pay for every procedure. The procedures you get are those needed. But it is so elitist. Everyone can't pay two thousand dollars a year up front. And the result is that the existing patient per doctor ratio is reduced. That's a terrible path that medicine is moving down. I don't think it's positive. I don't know if we should be talking about this type of stuff because it's not your interest at all.

RITCHIE: Of course, it's the Senate's interest. We have a young woman who is helping edit the Democratic minutes from the 1970s, and she came in one day and said, "All the issues they're talking about in the 1970s, they're still talking about them today." They were talking about medical care back then. They were concerned about American troops overseas back then, you know? She said, "Every single issue that we're confronting right now, they were talking about in the 1970s."

FERRIS: Yes, well, that's probably healthy. Every generation should be talking about the critical issues. But I'm hoping on the healthcare bill that they pass something. But

if they pass it, I think as you said, the unintended consequences of these things can be tremendous. I mean, I don't know where the doctors are going to come from.

RITCHIE: Historically, at least, the major changes have taken years to perfect.

FERRIS: Yes.

RITCHIE: Social Security was passed in 1935, but a lot of people weren't included in it until the 1950s. Congress just expanded it a little bit further and further to cover the people who had been left out in the previous times.

FERRIS: Yes but the retirement age for Social Security is sixty-five. Life expectancy was sixty-four in 1935 when they passed it.

RITCHIE: Right. There's a real problem now with people living as long as they do and having to increase the retirement age along the way to compensate for that.

FERRIS: But they really haven't done that yet, have they?

RITCHIE: Well it's a little bit higher than it used to be. You can retire at sixty-two, but your payment is low. If you wait until sixty-six, then you get your maximum payment. But if you retire at seventy, you can get even more than that. So they have some positive incentives to encourage people to stay working longer. I suspect they'll have to do things like that with healthcare as well, making decisions.

FERRIS: Actually the doctors have been making these critical decisions for generations about living and dying. And people accepted it. They didn't come right up front and say, "I'm making this decision," but they were making those decisions. Now they have to be transparent. Then it becomes a political issue, and politicians are not equipped to make those decisions. Each decision is so different. So with Medicare, they're going to have to limit what procedures will be available. Maybe at eighty or eighty-five, you don't get heart transplants. Or you don't get certain procedures—extraordinary procedures. I have a living will and I prescribe all that. But it's very, very hard for politicians to prescribe those types of things. They're going to break the system unless they can control the costs. Medicare is going to be modified because they're going to have to limit how much reimbursement you

can get for certain things. There must be certain hurdles before you can get a particular type of procedure. The hurdles will be applied to Medicare, too. So people on Medicare will be impacted by this even though it's not explicit. I mean, I don't think that's an unintended consequence. That's an intended, but not explicit, consequence of what is being done. But that's something that must be done and we should do it.

And I think, even as a Democrat, we have to do something about tort reform. The trial lawyers bet the farm at reelection with the Democrats, especially in the House. But arbitration is a concept whose time has come. I don't know if you need caps, because I don't know how caps would work. I guess caps would be a first on all of the punitive damages. But something has to be done, because the fear of litigation is driving an awful lot of doctors' decisions.

RITCHIE: Well, doing the right thing and selling it politically are two different phenomenons.

FERRIS: Absolutely.

RITCHIE: And I suspect that the one thing that hasn't changed in Congress from the days that you were there to now is human nature. Political leaders are just willing to go so far and when public opinion is not with them, they're just not going to sacrifice themselves on an issue for something that's politically unpopular.

FERRIS: Yes, I know it. And that's what gave birth to the term limit movement. Maybe people would sacrifice to do what is right. But they could as well favor the most generous. I always thought that term limits on chairmen would be a better path to follow. I always use Lee Hamilton as an example of a rotation of chairs of committees. Lee Hamilton would have been a leader on any committee he was on. So if he had a six year term on House chairmen, he could go to another committee and be a leader there. So I think the term limit rule, on chairs of congressional committees makes an awful lot of sense. It brings fresh talent to an issue every six years and that's good. We did that in the Senate on the Intelligence Committee.

RITCHIE: That's right.

FERRIS: That was the first one. And then when I went over to Tip, that was the one issue I took on for my short time with the Speaker. This is the gavel Tip gave me. That's the gavel he used when they passed the House Intelligence Committee. I worked with Mondale in getting the one in the Senate done. It doesn't work if you just have an Intelligence Committee on one side, we've got to get a House Intelligence Committee. So when I was there with Tip, I thought, this would be a good project. And we did it. We got it passed and we put in it the same type of rotation of committee chairs. That was a new concept then. You couldn't be chairman or a member of that committee for more than six years. You had to get off the committee. And that was a part of the resolution establishing an Intelligence Committee.

RITCHIE: I like the inscription here. [reading:] "To Charlie Ferris who walks the tightrope better than anyone else. From Speaker O'Neill. July 14, 1977."

FERRIS: That was nice. I didn't realize he was going to do that. I think it was Ari Weiss who probably got him to do that. Did you know him?

RITCHIE: I knew him by reputation, not personally.

FERRIS: Tip told me, "I want you to come over to the House. I know you're going to go down to the [Federal Communications] Commission, but I want you to just groom Ari. Well, Ari needed no grooming. He was just so bright. He graduated from Yale, I think, when he was nineteen, and was working in Tip's office as an intern in the summer. Then came and worked with Tip. He and I worked together and I enjoyed working with him. He was so able. I doubt if I left any imprint on him. When it came to reading the House, he was much more conservative than I was from the standpoint of how far you could go. He wasn't an envelope pusher. I was probably too much. But I remember Mansfield always saying that members are given so much capital to expend and you should never leave office with capital in the bank. You should use it all. I always agreed with that. That's why he felt Dick Russell, who had reservations about Vietnam, should have used that on Lyndon Johnson. That was capital that he had, you know, he had to have the courage of his own convictions to use it. He knew he'd have an influence on Johnson. So probably that restrained him. I always think that that's true. If you've got capital, you should use it. And I think I always did. But Ari was younger. He probably felt he had a longer life to spend his capital. He was amortizing his capital.

He's over in Israel now. Actually when he left up there, he went over to Israel. He learned the language and took the Israeli bar exam within twelve months and passed it, of course. Now I mean, taking the bar exam in a new body of law in a different language and passing it, now that's just incredible. He was an amazing, amazing guy. I'm keeping you here too long.

RITCHIE: No, no, I was just going to ask you about that tightrope allusion. It says you walked the tightrope. Why do you think he described you in that way?

FERRIS: I don't know. He probably just perceived me that way. I certainly did with Mansfield, I walked the tightrope. I never knew Tip until he met me when he became part of the House leadership. We used to meet at the end of sessions primarily. I bet he got a sense of me much more from Mansfield about walking the line. With Tip I didn't have the opportunity, because Tip was walking the line better than anyone I knew. He was doing the balancing act to get things done. So I don't know what actually precipitated that inscription.

RITCHIE: I like the image, and I think the leaders up there today continue to walk the tightrope. It's getting harder to do these days, but certainly the party leaders have got to continue to walk that tightrope to accomplish anything essentially.

FERRIS: Yes, I don't know this guy who's the Republican leader in the House, but he doesn't seem to have that as his mission, walking the line.

RITCHIE: No, the minority party's mission is to dissent loudly. There's no sense of cooperation right now, and that's too bad. They've lost a lot of the ability to bring allies in across the line. The minority party is supposed to offer an alternative, but not necessarily to sabotage the majority's program is.

FERRIS: That's right. It's not a good profile to have. But who knows? I don't think it's the right strategy for either party. Although I think the sound bites and the cable network stuff is so much that way. I think they have so much influence on people. Because most people don't know what's going on and they heard something on the radio or something on cable television. And no one likes to admit that they're dumb so they have to have an answer and so they adopt the loudest and most confronting position. I don't know how lasting it will be, but it is a tough environment. But Tip walked the line better than anyone I know. I'm glad

that he felt that way about me.

RITCHIE: Well, I thank you for seeing me again.

FERRIS: Did you have an agenda?

RITCHIE: I just wanted to cover the territory we had missed. We had talked more about the 1960s than the 1970s. We never finished the 1970's, so I really do appreciate you making time for that.

FERRIS: Oh, I'm delighted to chat with you. You know, it's talking to an institutionalist of the institution that formed me personally on public issues.

RITCHIE: Well I've been very fortunate that I've had a chance to meet so many of the players who were there, particularly, when you were there. I interviewed Stan Kimmitt and I interviewed Frank Valeo, but everybody talked about you as well in the process. So I was very eager to have you in the collection.

FERRIS: I didn't talk about them at all. Maybe I should have, but I think I made reference to them.

RITCHIE: Yes, you have, especially to Stan.

FERRIS: Yes, Stan, absolutely. Stan and I were competitive, but he had tremendous political instincts and had tremendous political skills. I really admired Stan and what he did. He had communication with a different set of the Senate Democrats than I did. I was the liberal, and he always kept reminding everyone that I was an Abbie Hoffman. But that's fine. That's part of the game up there. He was a very, very able guy and I liked Stan. I liked him for what he did and he had a tremendous family. His boys were—Bob Kimmitt, I think, graduated eighth in his class from West Point and should have been a Rhodes Scholar, but he was being considered at the time of the Vietnam War. He was at West Point and they gave it to some political activist. But he has all of the accouterments of a Rhodes Scholar. Not a Larry Pressler, but a real solid man with great judgment and a great sense of public service. But Stan raised a magnificent family, and he and Eunice did a great job. But that's great that you interviewed him, Don. I didn't realize you had turned on that recorder,

otherwise I probably would have tried to be more disciplined.

RITCHIE: No, actually, I find the conversation is the best way to bring out information and I appreciate you doing that. I had a list of questions here and we managed to go through them.

FERRIS: Did we really? You're a very subtle interviewer. I didn't realize you were channeling me in any way. That's good.

RITCHIE: Well, I once did an interview with Roger Mudd over lunch when I was working on a book on journalism. We had a wonderful lunch, at the end of which he turned to me and he said, "Were you really interviewing me?" [laughing]

FERRIS: Yes, Roger. I'm a good friend of Roger still to this day. When I was down at the FCC, he called me and started right off and said, "Charlie, we're on the record." Just like that. You knew this was going to be something that he could use so you conducted your conversation a little differently than you would have otherwise. But talk about a guy who walked the line. Roger drew a line in the sand very, very early.

RITCHIE: He told me a funny story about his years as a Senate reporter for CBS. It was during the civil rights debate in '64, when the Democrats occasionally Conferenced in the old Senate Chamber. Senator Tom Kuchel, the Republican Whip, had the office right next to it. And if you stepped into the closet in Kuchel's room, you could hear through the wall what was going on. Kuchel used to let Roger Mudd listen in on the Democratic Conference.

FERRIS: I can see both of them doing that. That's great. Roger never told me that story.

RITCHIE: I think he kept that off the record in general but it was a little inside information that he wasn't willing, at the time, to admit where he was getting his sources from.

FERRIS: Yes, Roger was a journalist, and a lot of the television people don't have that journalistic background. He was like a pencil journalist and they developed their stories

very, very differently.

RITCHIE: And he was stationed at the Senate, so he was there regularly and he knew the institution inside out.

FERRIS: Absolutely. Did he ever do his Everett Dirksen imitation? He was just great. He was the Tina Fey of his day. He had a good sense of humor. But he loved the Senate as an institution. There's no doubt about it.

RITCHIE: He knew it inside out, which you can't say about a lot of the journalists who aren't there long enough to know it as intimately.

FERRIS: That's right, yes. He loved it, and he covered it very well. That Civil Rights bill of '64, he brought it to the country. He was out on the steps every day with that little meter that was showing how many hours and days the bill had been before the Senate. That was very important, especially for those living in the South to know that this debate was taking time and people were paying attention. That's why the law was so well accepted in the end, because they knew their Senators had fought it for so long and the bill passed after a most deliberate debate. And Roger was the guy who brought that home. The other networks weren't doing it like that. I think Roger got paid by the hour back then.

RITCHIE: He actually got paid by the amount of time he was on the air, and so he made a lot of money as a result of that filibuster.

FERRIS: That's right. I think I observed to him one time that his beautiful home over in Virginia was "the home the civil rights bill built." But he did his job not for the money, but because he had a sense of the significance of what it was all about. Well Don, thank you very much for coming down.

RITCHIE: Well very good, thank you.

End of the Fifth Interview

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